

WAR CRIMES WASHINGTON

26 FEBRUARY 1948

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Thursday, 26 February 1948

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The Tribunal met, pursuant to adjournment,  
at 0930.

Appearances:

For the Tribunal, all Members sitting, with  
the exception of: HONORABLE JUSTICE LORD PATRICK,  
Member from the United Kingdom of Great Britain and  
HONORABLE JUSTICE B. V. A. ROLING, Member from the  
Kingdom of the Netherlands, not sitting from 0930 to  
1600; HONORABLE JUSTICE HENRI BERNARD, Member from  
the Republic of France, not sitting from 1500 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese  
to English interpretation was made by the  
Language Section, IMTFE.)

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MARSHAL OF THE COURT: The International  
1 Military Tribunal for the Far East is now in session.

2 THE PRESIDENT: All the accused are present  
3 except UMEZU, who is represented by counsel. The  
4 Sugamo Prison surgeon certifies that he is ill and  
5 unable to attend the trial today. The certificate will  
6 be recorded and filed.

7 With the Tribunal's permission the accused  
8 ARAKI will be absent from the courtroom the entire day  
9 conferring with his counsel.  
10

11 Mr. Lopez.

12 MR. LOPEZ: If the Tribunal please, may I  
13 resume with my summation against MUTO?

14 2. Fall of YONAI Cabinet, Tri-Partite Pact,  
15 Imperial Rule Assistance Association.

16 00-19. These three events are here discussed  
17 jointly as they represent the three parts of the main  
18 policy to establish a New Order in Greater East Asia  
19 under Japan to parallel a New Order in Europe under  
20 Germany and Italy. To Japan, the New Order in Greater  
21 East Asia simply meant the freedom to be left alone,  
22 without hindrance from third powers and restraints from  
23 treaty commitments, in her exploitation of Manchuria  
24 and China and to advance southward and gobble up the  
25 fabulous riches of Indo-China, Indonesia and other

countries in the south seas.

2-a. Events Preceeding YONAI Fall.

00-20. After formidable German panzer divisions blitzkrieged through the heart of France, MUTO and other Japanese leaders in Tokyo decided to make hay while the Nazi sun was brightly shining. On May 22, 1940, Germany on the prodding of Japanese emissaries in Berlin advised Japan she was not interested in the Netherlands Indies, a declaration taken as a green light for Japan to move in on Indonesia.<sup>a.</sup> After the surrender of France on June 17, 1940, the Four Ministers Conference decided to send a "request" to Indo-China to discontinue aid to Chiang Kai-shek and to use force in case of refusal.<sup>b.</sup>

00-21. The atmosphere prevailing in Japan at the time was best pictured by Prince KONOYE: "In the spring of 1940, when the overwhelming military strength of Germany had swept across western Europe and threatened, as it appeared, the existence of Great Britain, the question of a Tri-Partite military alliance again became a nationwide topic of great popularity. However, inasmuch as the alliance this time was to be directed against Great Britain and the

00-20.

a. Ex. 1288, T. 11681.

b. Ex. 619, T. 6824.



1 United States and not against the U.S.S.R. as in the  
2 previous year, there is a fundamental difference in  
3 nature between the two plans."<sup>a</sup> KONOYE further dis-  
4 closed that "anti-Anglo-Saxon sentiments and enthusiasm  
5 for a Tri-Partite Alliance were at their height,  
6 especially among the military circles. . ."<sup>b</sup>.

7 00-22. MUTO was not caught napping. As  
8 early as March of 1940 he had the foresight to see the  
9 need of dissolving all political parties as a prereq-  
10 uisite to establishing a totalitarian state in  
11 Japan and concluding a military alliance with  
12 victorious Germany. On the 20th of that month, MUTO  
13 formally advocated on the floor of the Diet the dis-  
14 solution of the existing political parties. Citing  
15 Count TERAUCHI's views on totalitarianism, MUTO  
16 suggested that nationalism is a better name for  
17 totalitarianism of European conception and should be  
18 the guiding principle of the Japanese nation.<sup>a</sup>

19  
20 Turning now to the last sentence of para-  
21 graph 23 on page 13:

22 00-23. . . . Parenthetically, Count TERAUCHI  
23 whose views on totalitarianism MUTO quoted, was the

24 00-21.

25 a. Ex. 2735A, T. 24291.  
b. Ex. 2735A, T. 24291.

00-22.

a. Ex. 2243A, T. 16137-9, 16150.

1 same TERAUCHI who had been sent in 1939 to Berlin  
 2 as Japanese official representative to the Nazi  
 3 Party Conference.<sup>a</sup>

4 00-24. MUTO's diet speech immediately bore  
 5 fruit. Three days later, Ambassador Ott happily  
 6 reported to Berlin that there was a noticeable  
 7 stiffening of Japanese attitude towards England and  
 8 America.<sup>a</sup> On April 14, 1940, Count ARIMA broached  
 9 to KIDO the question of merging all political parties  
 10 into one.<sup>b</sup> On May 26th, KONOYE, KIDO and ARIMA  
 11 dined together over the same problem.<sup>c</sup> KIDO pointed  
 12 out that "By July 8, 1940, Prince KONOYE was identify-  
 13 ing himself with the establishment of a new political  
 14 structure, having resigned as President of the Privy  
 15 Council."<sup>d</sup>

16 00-25. Very understandably, KONOYE thus  
 17 became the darling of the Army who were exasperated  
 18 with Premier YONAI for "idly losing an opportunity  
 19 which would never come again."<sup>a</sup> Around July 8, 1940,  
 20 Vice-Minister of War ANAMI assured KIDO that "the  
 21 army solidly desired for the Prince's emergence as  
 22

23 00-23.

a. T. 33267-8.

00-24.

d. T. 30900.

24 00-24.

a. Ex. 514, T. 6148-50.

00-25.

a. Ex. 3199A, T. 28941.

b. T. 30892.

c. T. 30894.

1 Prime Minister," which made KIDO feel "somewhat  
 2 uneasy."<sup>b</sup> On the 9th, HATA asked Premier YONAI's  
 3 cooperation with the new domestic organization.<sup>c</sup>  
 4 On the 11th, MUTO called on ISHIWATA, Cabinet  
 5 Secretary General, and explained in detail the in-  
 6 tention of the Army, "amplifying the intention of the  
 7 War Minister."<sup>d</sup> On cross-examination, MUTO said he  
 8 spoke with ISHIWATA "of my agreement and approval of  
 9 the direction towards which Prime Minister KONOYE's  
 10 intentions were directed."<sup>e</sup>

11 2-b. Why YONAI Cabinet Fell.

12 00-26. The Army, through MUTO and Vice-  
 13 Minister of War ANAMI, finally came around to demand,  
 14 sometime in the middle of July 1940, the "mass  
 15 resignation of the Cabinet in order to realize  
 16 KONOYE's political order," and when it was declined  
 17 MUTO and ANAMI declared "there was nothing to be done  
 18 but force the resignation of War Minister HATA."<sup>a</sup>  
 19 On cross-examination, YONAI corroborated this,  
 20 although he thought ANAMI was not there.<sup>b</sup> HATA

22 00-25.

- 23 b. T. 30900.  
 24 c. Ex. 3199A, T. 28941.  
 25 d. Ex. 3199A, T. 28941.  
 e. T. 33258.

25 00-26.

- a. Ex. 3808A, T. 37862.  
 b. T. 28926.



1 told YONAI that the opinions expressed by MUTO and  
2 ANAMI were their own personal opinions.<sup>c.</sup>

3 OO-26a. Premier YONAI disclosed that HATA  
4 resigned as War Minister because the army considered  
5 his Cabinet weak,<sup>a.</sup> and his Cabinet was considered  
6 weak because it did not support the creation of the  
7 Imperial Rule Assistance Association and the alliance  
8 between Germany and Japan, which at the time were the  
9 main questions of domestic and foreign policy.<sup>b.</sup> He  
10 said he was against the creation of the Imperial  
11 Rule Assistance Association because it would have  
12 "meant the establishment of a dictatorship," a  
13 "fascist regime" in Japan, along "the same lines as  
14 in Germany," under which Parliament, instead of  
15 being the organ of deliberation "would become an  
16 organ, where the members would simply vote for and  
17 applaud any measure demanded by dictatorship."<sup>c.</sup>  
18 He stated that the most influential persons in  
19 military circles at the time were War Minister HATA,  
20 Chief of Military Affairs Section MUTO, and Chief  
21 of General Staff SUGIYAMA, all of whom expressed

22 OO-26.

23 c. T. 28926.

24 OO-26a.

25 a. Ex. 3831A, T. 37999, 38000.

b. Ex. 3831A, T. 37999, 38001-02.

c. Ex. 3831A, T. 38002-03.

1 their dissatisfaction with the policy of his Cabinet.<sup>d.</sup>  
 2 MUTO, by the way, admitted that while Chief of the  
 3 Military Affairs Bureau he was very active and  
 4 interested in politics.<sup>e.</sup>

5 00-27. On July 16 War Minister HATA did  
 6 resign. Before resigning, however, HATA first con-  
 7 ferred at his office with ANAMI and MUTO, then with  
 8 the Big Three of the Army with MUTO in attendance,  
 9 and later with the members of the Supreme War  
 10 Council, of which MUTO was Chief Secretary.<sup>a.</sup>

11 Turning to paragraph 28 of the same page:

12 00-28. To drive home his observation that  
 13 TOJO leaned heavily on the political advice of MUTO,  
 14 Ryukichi TANAKA cited the case of War Minister HATA  
 15 who resigned from the Cabinet of YONAI because the  
 16 Army's views on the Tripartite Alliance was not  
 17 accepted by the Cabinet. In 1940, TANAKA asked  
 18 General HATA "why he took such attitude which was  
 19 really against his ideas and nature," and HATA  
 20 replied that he was obliged to do so by the influence  
 21 of MUTO."<sup>a.</sup>  
 22

23 00-26a.

d. Ex. 3831A, T. 38004.  
 24 e. Ex. 255, p. 8.

00-28.

a. T. 15901.

25 00-27.

a. Ex. 3199A, T. 28941.

1                   00-29. KIDO stated the Army wanted a  
2 military alliance with Germany and wanted YONAI  
3 out.<sup>a</sup> And the technique employed to bring about  
4 the fall of YONAI, was for the War Minister to  
5 refuse to agree to a successor.<sup>b</sup> On July 17, 1940  
6 Ambassador Ott was pleased to inform the German  
7 General Staff that in view of the Cabinet change  
8 forced by the Army, a speedy transition to a more  
9 active anti-English policy was to be expected.<sup>c</sup>

10                   2-c. The New Order Policy.

11                   00-30. The New Order of Greater East  
12 Asia policy of KONOYE and the Army was officially  
13 adopted by the Cabinet on July 26, 1940. Entitled  
14 "Outline of Japan's Basic National Policy," it aimed  
15 at "the construction of a new order of Greater East  
16 Asia" for the attainment of which "constructive and  
17 elastic measures will be adopted in order to advance  
18 the national fortunes of the Empire."<sup>a</sup> The "elastic  
19 measures" covered a general plan for the development  
20 of domestic and foreign policies, which bloomed sub-  
21 sequently into the Imperial Rule Assistance Association

22  
23 00-29.

24                   a. T. 31353.

                  b. T. 31353.

                  c. Ex. 533, T. 6257-8.

25 00-30.

                  a. Ex. 541, T. 6273.



1 and the Tri-Partite Pact. TOJO confirmed the  
2 importance of the July 26th policy.<sup>b.</sup>

3 00-31. MUTO had something to do with the  
4 preparation of the draft of exhibit 541, Japan's  
5 basic national policy of July 26, 1940. Interrogated  
6 at Sugamo as to whether he did "formulate a new order  
7 for the Japanese Empire which was presented by TOJO  
8 to the cabinet and approved," MUTO replied that  
9 "when Prince KONOYE called in TOJO to be his next  
10 War Minister, the plan that TOJO took with him to  
11 show to the Prime Minister was one that had been made  
12 up in the Military Affairs Section" of his bureau.<sup>a.</sup>  
13 On the stand MUTO was asked if "the basic aim of the  
14 draft prepared by the Military Section of the Military  
15 Affairs Bureau was aimed at the creation of a new  
16 order externally and internally," and he answered,  
17 "It was directed to that also, and you will see it  
18 included in the basic national policy."<sup>b.</sup>

19 Turning to paragraph 33 on page 18:

20 2-d. MUTO's Role in the New Structure.

21 00-33. To carry out the plan laid out in

22  
23 00-30.

24 b. T. 36181.

25 00-31.

a. Ex. 255, p. 8, T. 33252-3;

b. T. 33253.

1 paragraph 3 of the Basic National Policy of July 26,  
 2 1940,<sup>a.</sup> the new structure committee was organized.<sup>b.</sup>  
 3 MUTO was one of the members of the permanent secre-  
 4 tariat of the committee.<sup>c.</sup> The function of the  
 5 members of the secretariat was to study draft plans.<sup>d.</sup>

6 00-34. MUTO stated that after the signing  
 7 of the Tri-Partite Pact the new political structure  
 8 became officially the Imperial Rule Assistance  
 9 Association.<sup>a.</sup> Before the birth of the IRAA, all  
 10 political parties, including the Menseito, the largest  
 11 in Japan, disbanded.<sup>b.</sup>

12 00-35. How Premier YONAI's fears were  
 13 justified by subsequent developments, and how the  
 14 IRAA was actually used as the instrument to institute  
 15 a totalitarian rule in Japan was explained by GOTO,  
 16 Fumio, former Minister for Home Affairs in the OKADA  
 17 Cabinet in 1936.<sup>a.</sup> GOTO said that after the formation  
 18 of the IRAA, "no other important political parties  
 19 existed;" that "the result was to create one important  
 20 public organization which was controlled in its en-  
 21 tirety throughout the country by government officers  
 22 who occupied some of the high positions;" that it was

24 00-33. 00-34. 00-35.  
 25 a. Ex. 541. a. T. 33265. a. Ex. 166,  
 b. T. 33256-7. b. T. 33264-5. T. 1639.  
 c. T. 33256-7.  
 d. T. 33260.

1 "subsidized by government funds to the extent of  
2 eight million yen per annum"; and "it reached into  
3 every prefecture, ward and street in Japan."<sup>b.</sup> The  
4 IRAA was also utilized to fan anti-Anglo-Saxon  
5 feeling.<sup>c.</sup>  
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00-35.

b. T. 1640-1.

c. T. 1118.



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2 eight million yen per annum"; and "it reached into  
3 every prefecture, ward and street in Japan."<sup>b</sup> The  
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25 00-35.

b. T. 1640-1.

c. T. 1118.

1                   00-36. KONOYE's proclamation on the new  
2 order, as published in the papers, came as a great  
3 disappointment to the army, especially to MUTO. Play-  
4 ing a tactful hand so as not to alarm unduly the west-  
5 ern democracies, KONOYE wrote in the original draft  
6 of his proclamation that the new order meant neither  
7 nazism or fascism. However, when it was sent to  
8 MUTO, who was more militarist than diplomat, the  
9 latter promptly deleted that disavowal of nazism  
10 and fascism, and returned the draft to the Cabinet.  
11 KONOYE, in a move which appears demonstrative that a  
12 Japanese civil official could resist the impositions  
13 of the army if he chose to, had the draft sent back to  
14 MUTO. On the stand MUTO offered the excuse, both im-  
15 plausible and ridiculous, that he did not know the draft  
16 was the Prime Minister's, and as it was too long, he  
17 cut it about half.<sup>a.</sup>

18                   00-37. His disappointment MUTO did not keep  
19 to himself. He poured it out on Captain TAKAGI of the  
20 Naval Affairs Bureau. In a long talk with Captain  
21 TAKAGI in the latter part of August, 1940, MUTO related  
22 how the army had exerted all efforts to induce the dis-  
23 solution of the existing political parties and the

24 00-36. a. T. 33,262  
25

formation of one "Pro-Army Party" (Shingunto), to be  
 1 led along according to army desires, and how "this plan  
 2 suffered a blow when Premier KONOYE's proclamation was  
 3 published in the papers." <sup>b.</sup> This time MUTO's sorrow  
 4 was aggravated by KONOYE's refusal to be used as a robot  
 5 of the army; KONOYE, it seemed, was perfectly willing  
 6 to go along with the army on the establishment of the  
 7 new order, but he simply would not consent to become  
 8 their puppet. <sup>c.</sup>

9 00-38. MUTO's active role in bolstering the  
 10 power of the Imperial Rule Assistance Association may  
 11 be seen from the following statement he made in the  
 12 early part of February 1941, in his capacity as Coun-  
 13 cillor of the IRAA: The "Army and the Navy will fully  
 14 cooperate with the association in the future just as  
 15 they have cooperated to the fullest extent in the  
 16 development of the association in the past." He  
 17 admitted being the spokesman at that time both for the  
 18 Army and Navy. <sup>a.</sup> And on February 21, 1942, he was  
 19 appointed Secretary of the Greater East Asia Construc-  
 20 tion Council. <sup>b.</sup>

22 2 e. MUTO and Tripartite Pact

23 00-39. Now reverting to the Tripartite Pact

24 00-37. b. Ex. 3809-A T. 37,874-76  
 25 c. Ex. 3809-A T. 37,874-76  
00-38. a. T. 33,265-6.  
 b. Ex. 118, T. 746



and MUTO's responsibility for it. Pursuant to paragraph

2. dealing with "national defense and foreign policy,"  
of the "Outline of Japan's Basic National Policy" of  
July 26, 1940,<sup>a.</sup> the Tripartite Pact was concluded  
with great fanfare by Germany, Japan and Italy on  
September 27, 1940.

00-40. Article I of the Pact provides that  
"Japan recognizes and respects the leadership of Ger-  
many and Italy in the establishment of a new order in  
Europe," while Article II provides that "Germany and  
Italy recognize and respect the leadership of Japan in  
the establishment of a new order in Greater East Asia."<sup>a.</sup>

00-41. MUTO was present at the September  
26, 1940 conference of the Investigation Committee  
of the Privy Council which unanimously approved the  
Pact.<sup>a.</sup> Foreign Minister MATSUOKA explained at the  
conference that the Pact "forms the basis of the future  
foreign relations of our Empire."<sup>b.</sup> MATSUOKA, TOJO  
and KONOYE in answer to a question by Councillor

FUKAI stated that "German assistance will consist of  
the supply of superior arms and materials."<sup>c.</sup> Coun-  
cillor SUZUKI noted that the United States was engaged  
in the naval expansion program and asked for an opinion

00-39. a. Ex. 541

00-40. a. Ex. 550, T. 6330

00-41. a. Ex. 552, T. 6350

00-41. b. Ex. 1030, T. 6363

c. Ex. 1030, T. 6371

1 on this point. Navy Minister OIKAWA said that Japan  
 2 would win a short and decisive war. SUZUKI then said  
 3 that "I think a Japanese-American war is inevitable,  
 4 regardless of whether this treaty is concluded or not." d.

5 00-42. Thirteen days previous, the Privy  
 6 Council had another conference on the Pact. Two ques-  
 7 tions were asked: (1) "Is not there any danger of ex-  
 8 treme intensity of economic pressure by the United  
 9 States upon Japan, as a result of the conclusion of the  
 10 Tripartite Pact? What would be our counter-measure  
 11 in such a case?" (2) "What preparation have you to  
 12 deal with, should the worst case (the commencement of  
 13 war against the United States) happen?" The reply was  
 14 that Japan should be ready for that occasion and should  
 15 take the precautions of strengthening her international  
 16 position by the conclusion of the Pact; she should  
 17 also take diplomatic, economic and military measures  
 18 for the purpose of procuring natural resources from  
 19 the South Seas and other places which had been procured  
 20 from the United States. a.

21 00-43. On September 19, 1940, there was a  
 22 liaison conference which decided to adopt measures  
 23 necessary to strengthen German-Japanese-Italian Axis. a.

24 00-41. d. T. 6376  
 25 00-42. a. Ex. 551, T. 6345  
00-43. a. Ex. 541, T. 6307, 6308

Considering that MUTO's Bureau was the liaison between  
 1 the army and the Foreign Ministry and that the Pact  
 2 involved military alliance, there cannot be any doubt  
 3 at all that he knew and took part in the negotiations.  
 4 He admitted, too, being present at practically all  
 5 liaison conferences. <sup>b.</sup> Major-General TANAKA testified  
 6 that since the ABE Cabinet, the Military Affairs Bureau  
 7 under MUTO advocated consistently the Tripartite Alli-  
 8 ance and the establishment by Japan of a new order in  
 9 East Asia, parallel with a new order in Europe under  
 10 Germany and Italy. <sup>c.</sup>

11 00-44. When MUTO was interrogated at Sugamo,  
 12 he admitted that "as an individual" he "was in favor  
 13 of it," but in his official capacity he had no say on  
 14 matters of policy. <sup>a.</sup> Asked if he advised TOJO that  
 15 such a pact would be good for Japan, MUTO answered that  
 16 there might have been some statement in the paper he  
 17 had submitted to TOJO favoring the pact, that such  
 18 feelings were strong in the military and that it was  
 19 his job to finally present the majority opinions to the  
 20 War Minister. <sup>b.</sup>

21 00-45. On the stand, however, MUTO professed

22 00-43. b. Ex. 2240-A, T. 16,123

23 c. T. 15,869-70

24 00-44. a. Ex. 255 (pp. 7 and 9): T. 33,225

25 b. T. 33,226-7; Ex. 255 (pp. 9-10)



that he mistrusted HITLER and MUSSOLINI, whom he  
 1 called upstarts, and opposed the Pact as ruinous to  
 2 Japan.<sup>a.</sup> He went on to say that "whenever I talked  
 3 with advocates for concluding the Tripartite Alliance,  
 4 I told them the above-mentioned opinion of mine. Once  
 5 when I told it to a German aviation officer, Colonel  
 6 Groner, he nodded with a smile ..." He stated that  
 7 around military circles in Tokyo he was known to be  
 8 against the conclusion of the Tripartite Pact.<sup>b.</sup>

9  
 10 2 e-1 MUTO's German Decoration

11 00-46. "With this as the foundation, he was  
 12 asked if the German Embassy, military attache and  
 13 intelligence in Japan did not commit a colossal diplo-  
 14 matic blunder by recommending for one of the highest  
 15 military honors their country could bestow -- the man  
 16 who mistrusted their Fuehrer and opposed the conclusion  
 17 of the Tripartite Pact.<sup>a.</sup> In answer, MUTO maintained  
 18 that the German Foreign Office did not make any blunder,  
 19 because after the conclusion of the Pact "the various  
 20 collateral business related thereto" were handled by  
 21 his Bureau, and that he "was even nominated as a member  
 22 of the Joint Commission of Experts."

23 He was appointed on January 23, 1941, member of the

24 00-45. a. T. 33,218-20

b. T. 33,222

25 00-46. a. T. 33,223

Italo-German-Japanese Mixed Military Commission and held  
b.

1 that position until December 17, 1942. Of course,  
2 MUTO continued to explain, after "passing through such  
3 a course I would naturally become one of those who  
4 would be recommended by the War Ministry as being a  
5 candidate for receiving a decoration -- that is, one  
6 of those qualified to be considered as a candidate to  
7 receive a decoration." c.

8 00-47. We are certainly obliged to MUTO for  
9 the added footnote on the history of his German  
10 decoration: that he was recommended by the War Ministry  
11 for it. Prosecution Tr. 1272 was a telegram from the  
12 German Ambassador in Tokyo to the Foreign Office in  
13 Berlin, a. the opening paragraph of which reads: "The  
14 Japanese army have repeatedly approached the Military  
15 Attache with the request to recommend certain Japanese  
16 for receiving German decorations on the occasion of  
17 the Tripartite Pact."  
18

19 00-48. Further, the telegram said: "However,  
20 in the meantime and notably since the war broke out, a  
21 number of Japanese should be mentioned; these have  
22 made important contributions to the German-Japanese  
23 cooperation in our joint waging of the war and at the

24 00-46. b. Ex. 118, T. 745, 747

25 c. T. 33,223

00-47. a. T. 11,349; underscoring our.

same time they occupy key positions in the Japanese Government or Army of such importance that even without regard to reciprocity, their decoration seems suitable. This concerns men of the immediate group surrounding TOJO, who will presumably retain for some time their decisive influence on the shaping of Japanese policy... Hence I would like to propose to suggest the following decorations to the Fuehrer:<sup>a.</sup>

00-49. "Lt. General Akira MUTO, former director of the military political section of the War Ministry since October 1939, born 15 November 1892 in Kumamoto. He has now received an important field command, and an extraordinary career is predicted for him. Without regard to the vacillations of Japanese policy, MUTO has always advocated the conclusion of a German-Japanese alliance in a most important position.

Order: Great Cross, under special consideration of his official position."<sup>a.</sup> In the same telegram the German Military Attache made the following recommendation:<sup>b.</sup> "MUTO, as head of the political section of the War Ministry since 1939, has often been mentioned in my reports. In view of the political influence wielded by the Japanese army his attitude was and is of great importance."<sup>c.</sup>

00-48. a. T. 11,352-3

00-49. a. T. 11,355; underscoring ours

b. T. 11,356

c. T. 11,357



1       00-50. It should be noted that the Order of  
2 the Great Cross awarded to MUTO was the same Order  
3 awarded to General SUGIYAMA,<sup>a.</sup> the renowned Chief of  
4 General Staff. MUTO in his interrogation said that  
5 compared with the War Minister the Chief of General  
6 Staff was the higher categorical authority in the  
7 scheme of things in Japan.<sup>b.</sup>

8       00-51. The accused HATA, the only former  
9 Field Marshal in the dock, fully realizes the tragic  
10 implication at this time of being awarded a decoration  
11 such as MUTO received, for in his opening statement  
12 HATA took pains to point out that he, HATA, "was not  
13 definitely one of the seven decorated by Germany for  
14 their part in the Tripartite Pact."<sup>a.</sup> HATA, too, im-  
15 plicitly recognizes the highly adverse effect upon his  
16 case of the imputation that he was responsible for the  
17 appointment of MUTO as Chief of the Military Affairs  
18 Bureau. In his opening statement HATA apprised the  
19 Tribunal he would show "through the chiefs of the Per-  
20 sonnel Section of the War Ministry" that he had nothing  
21 to do with the appointment of General MUTO to his  
22 position and recommendation of TOJO as succeeding War  
23

24       00-50. a. Ex. 1272

          b. Ex. 2240, T. 16,121-2

25       00-51. a. T. 28,859

b.  
"War Minister." As he whitewashed himself of any  
1 responsibility for the fall of the YONAI Cabinet, HATA  
2 through his witness SAWADA practically heaped the blame  
3 on MUTO: SAWADA, former Vice-Chief of General Staff,  
4 did not name all names, but he left no doubt he had  
5 MUTO as the target when he testified that those who  
6 engineered HATA's resignation were Vice-Minister  
7 ANAMI and the men below him,<sup>c.</sup> one of whom was, of  
8 course, MUTO.  
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00-51. b. T. 28,854  
c. T. 29,011

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### 3. Southward Move.

1           00-52. A day after the conclusion of the  
2 Tri-Partite Pact on September 27, 1940, Japan sec-  
3 retly crystallized its national basic policy of es-  
4 tablishing a new order in Greater East Asia with a  
5 formal foreign policy plan toward the Southern  
6 Regions.<sup>a</sup> For its initial phase, "the objective of  
7 Japan's penetration into the Southern Regions cover --  
8 the whole area to the west of Hawaii excluding for the  
9 time being the Philippines and Guam. French Indo-  
10 China, the Dutch East Indies, British Burma and the  
11 Strait Settlements are the areas where we should first  
12 control."<sup>b</sup>  
13

14           00-53. With respect to Thailand, the plan  
15 stated that "we should conclude a military alliance  
16 with Thailand, and use Thailand as a rear base. How-  
17 ever, in order to delay her in making preparations,  
18 it is well to pretend that the diplomatic relations  
19 between Japan and Thailand are not secure until we  
20 start military action."<sup>a</sup> Regarding French Indo-  
21 China, "we should maneuver an uprising of the inde-  
22 pendence movement, and should cause France to renounce  
23 its sovereign right."<sup>b</sup> As to the Straits Settlements,  
24

25   00-52.

a. Ex. 628, T. 6,975-7  
b. T. 6,977

00-53.

a. T. 6,979  
b. T. 6,979



they "must be placed under the direct rule of Japan."<sup>c</sup>

1           00-54. Before the actual drafting of the  
2 formal plan, however, the military and the Government  
3 had already laid the necessary spade-work well in  
4 advance. On June 24, 1940, for example, the German  
5 Ambassador at Tokyo reported to the German Foreign  
6 Office concerning Japanese efforts, through the ac-  
7 cused MUTO and KOISO, to obtain Germany's views con-  
8 cerning military aggression in Indo-China.<sup>a</sup> The Am-  
9 bassador stated that MUTO expressed Japan's desire to  
10 welcome German mediation between Japan and China, and  
11 that Japan was interested in Indo-China.<sup>b</sup> KOISO, who  
12 was then Overseas Minister, inquired what Germany's  
13 attitude would be to the military activity of Japan in  
14 Indo-China and in parts of the Netherlands Indies.<sup>c</sup>  
15 Finally, the Ambassador asked for authority to dis-  
16 cuss further those matters with MUTO and KOISO to  
17 find out what power was standing behind them.<sup>d</sup>

19           3 a. Move on Northern Indo-China.

20           00-55. Also, on August 1, 1940, Foreign  
21 Minister MATSUOKA delivered an ultimatum to the  
22 French Ambassador in Tokyo demanding the passage of

23           00-53.

24           c. T. 6,979

25           00-54.

a. Ex. 523, T. 6,174

b. T. 6,175

c. T. 6,175-6

d. T. 6,177

1 Japanese troops through the province of Tongking in  
 2 northern Indo-China, the use of airfields in Tongking,  
 3 the stationing of troops and provision for the trans-  
 4 portation of arms and ammunition. The ultimatum warned  
 5 that if no immediate reply was received, Japan would  
 6 resort to the use of force.<sup>a</sup> Then, On October 25, 1940,  
 7 Delegate SAITO's secret telegram from Batavia to Foreign  
 8 Minister MATSUOKA betrayed the real purpose behind  
 9 Japan's current efforts to lease oil fields in Indonesia  
 10 which was to establish military bases, "from the point  
 11 of view of military operations against the Dutch."<sup>b</sup>  
 12 Half-way around the globe, in Berlin, Ambassador KURUSU  
 13 was pulling wires too. On November 29, 1940, KURUSU  
 14 described the conclusion of the Sino-Japanese and Russo-  
 15 Japanese agreements as prerequisite to a Japanese advance  
 16 through the regions south of China, including Siam, "with-  
 17 out the use of which Singapore could hardly be brought  
 18 to fall."<sup>c</sup>

19 00-56. Undoubtedly to enable him to keep  
 20 close tab on the detailed progress of Japanese pene-  
 21 tration in the Southern regions, MUTO was appointed  
 22 on December 26, 1940, Councillor of the South Seas

23 00-55.

24 a. Ex. 620, T. 6,886-7  
 25 b. Ex. 1316, T. 11,835-6  
 c. Ex. 561, T. 6,428

Bureau of the Overseas Affairs Ministry. <sup>a</sup> This appointment came about three months after Japanese troops invaded Indo-China at the Tongking border, which caused impotent French authorities to surrender and agree to Japanese terms. <sup>b</sup> On March 17, 1941, MUTO was appointed member of the Establishment Commission for the Southern Regions Development Bank. <sup>c</sup>

00-57. An important liaison conference, which MUTO very likely attended, was held on June 25, 1941 which approved the plan entitled "Re acceleration of measures in the South." <sup>a</sup> The conference decided to accelerate all preparatory measures in Thailand and French Indo-China, such as the establishment of air bases, harbor facilities in specified areas in French Indo-China, and stationing of the necessary troops in the southern part of French Indo-China. <sup>b</sup> It further agreed that "in case the French Government or the French Indo-China authorities do not comply with our demands, we shall obtain our objective by force of arms." <sup>c</sup>

00-58. Closely following on the heels of German invasion into Russia, MUTO and other Japanese leaders met in an Imperial Conference on July 2, 1941

00-56. a. Ex. 118, T. 745      00-57 a. Ex. 1306, T. 11,753  
 b. Ex. 620, T. 6,933      b. T. 11,753-4  
 c. Ex. 118, T. 746      c. T. 11,754



1 to execute at all cost her prepared plan for military  
 2 aggression in the south.<sup>a</sup> The conference first of  
 3 all reiterated that "Regardless of any change in the  
 4 national situation, Japan will adhere to the principle  
 5 of establishing a 'Greater East Asia Co-Prosperity  
 6 Sphere'" and reasserted Japan's determination to  
 7 "step up the southward advance in order to establish  
 8 for herself a basis for self-existence and self-  
 9 defense."<sup>aa</sup> It decided that "For this purpose we  
 10 shall make preparations for a war with Britain and  
 11 the United States. First, we shall accomplish the  
 12 execution of our schemes against French Indo-China and  
 13 Thailand, following the 'principle policy toward French  
 14 Indo-China and Thailand,'<sup>b</sup> and 'matters concerning the  
 15 promotion of our southern policy.' And in order to  
 16 achieve the above-mentioned purpose, Japan will not  
 17 hesitate to have a war with Britain and the U. S."<sup>c</sup>

18 3 b. Invasion of South Indo-China.

19 00-59. The next move towards Singapore was  
 20 through South Indo-China. On July 12, 1941, Ambassa-  
 21 dor KATO in France was informed by telegraph of a  
 22 Cabinet decision to send troops to South French Indo-  
 23 China to take possession of military bases there, and  
 24

25 00-58. a. Ex. 583, T. 6,566

aa. T. 6,567

b. Ex. 628, T. 6,975

c. T. 6,568

of a proposal to convey it to the French Government<sup>a</sup> and to use force in carrying out the proposal. Two days later, an intercepted secret message from Canton to Tokyo stated that the "immediate object" of the occupation of French Indo-China will be "to achieve our purposes there," and "to launch therefrom a rapid attack." If resistance is offered, "we will crush it by force, occupy the country and set up martial law."<sup>b</sup>

00-60. On or about 28 July 1941, according to TOJO, 40,000 Japanese troops landed at Southern Indo-China.<sup>a</sup> On the same day MUTO attended a meeting of the Privy Council which discussed the protocol between German-controlled Vichy-France and Japan concerning military cooperation.<sup>b</sup> KIDO noted in his diary of August 7, 1941 that the occupation of "Singapore and the Philippine Islands was an essential prerequisite to a successful landing in the Dutch East Indies."<sup>c</sup> For after "the occupation of French Indo-China, next on our schedule is the sending of an ultimatum to the Netherlands Indies."<sup>d</sup>

00-61. MUTO was present at the Imperial Conference of September 6, 1941,<sup>a</sup> which adopted the

00-59.

a. Ex. 640, T. 7037  
b. Ex. 641, T. 7043

00-61.

a. Ex. 1135, T. 10,215; Ex. 1107, T. 10,216

00-60.

a. Ex. 649, T. 7073  
b. Ex. 649, T. 7069  
c. Ex. 1130, T. 10,200  
d. Ex. 641, T. 7,043

b

1 resolution that "Japan will execute her southern  
2 advance policy, related to the 'Principle of Japan's  
3 Policy according to the Change of Situations.'" The  
4 decision was made that if the negotiations were not  
5 successful by the beginning of October (1941), "we  
6 shall immediately determine to wage war against the  
7 United States (Britain and the Netherlands)"<sup>c</sup>

8 4. Attack on Pearl Harbor,  
9 Singapore, Philippines,  
10 Indonesia, Burma.

11 00-62. The actual attack was preceded by  
12 intensive war preparations, by the southward move  
13 already discussed above, and by diplomatic negotia-  
14 tions.

15 4 a. War Preparations.

16 00-63. As to war preparations, it was the  
17 considered judgment of the Imperial Conference of  
18 September 6th, which MUTO attended, that Japan "will  
19 have completed her preparations by the end of October."<sup>a</sup>  
20 Following this conference TANAKA, Shinichi, Chief of  
21 Operations of the General Staff, was instructed by  
22 Chief of Staff SUGIYAMA "to begin preparations for  
23 operations against" Java, Borneo, Bismarck, Dutch  
24

25 00-61.

b. Ex. 588, T. 10,217  
c. T. 10,218

00-63.

a. Ex. 588, T. 10,218



b

East Indies and the Philippines. After the July 2nd Liaison Conference, TANAKA had been directed to make operational study of a campaign against those countries.<sup>c</sup>

00-64. TANAKA, Shinichi asserted that MUTO with Generals TOJO and KIMURA "had knowledge of these instructions by SUGIYAMA, for by the very nature of the rules and practices governing the relationship between the War Ministry and the General Staff at the time, the three of them had to know, and did know, of those instructions."<sup>a</sup>

00-65. Long before the Imperial Conference of September 6, Japanese war preparations had been feverishly going on. As early as July 17, 1940, Ambassador OTT informed the German General Staff that he had "information from Japanese General Staff that siege batteries had been already mobilized for attack on Hongkong in the case that it might be necessary."<sup>b</sup> A month before, Japan had demanded of the Netherlands Indies immediate assurance that huge amounts of raw materials, far in excess of normal exports in previous years, would be exported to Japan

00-63.

b. T. 16,145  
c. T. 16,145

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a. T. 16,145

00-65.

b. Ex. 533, T. 6257

"under any circumstances that may arise in the future."<sup>c</sup>

1 As already pointed out, the real purpose behind Jap-  
 2 anese demands way back in October, 1940, to lease oil  
 3 fields in Indonesia was to use them as military bases  
 4 "from the point of view of military operations."<sup>d</sup>

5 OO-66. During the meeting of September 26,  
 6 1940, of the Investigation Committee of the Privy  
 7 Council, which MUTO attended, TOJO stated, in reply  
 8 to a question regarding Japan's preparations to meet  
 9 the situation "when the worst turns up," that as far  
 10 as the Army was concerned, only a part of its strength  
 11 would be deployed in a war against the United States.<sup>a</sup>  
 12 Navy Minister OIKAWA assured that preparations on  
 13 Japan's ships for battle had already been completed  
 14 and that she had enough war materials, crude oil in  
 15 particular, to last "for quite a while,"<sup>b</sup> and on the  
 16 basis of full scale fleet-to-fleet clashes, Japan's  
 17 "stock will be exhausted in the course of half a year  
 18 or one year."<sup>c</sup> But OIKAWA hastened to explain that  
 19 Japan would win a short and decisive war.<sup>d</sup>

21 OO-67. As early as January 16, 1941, the  
 22 War Ministry urgently requested the Ministry of Finance

23 OO-65.

24 c. Ex. 1309, T. 11,787-93  
 25 d. Ex. 1316, T. 11,836

OO-66.

a. Ex. 1030, T. 6353  
 b. T. 6354  
 c. T. 6365  
 d. T. 6376

1 to prepare original currency plates to be used in un-  
 2 specified areas.<sup>a</sup> During that month, the Finance  
 3 Minister ordered the printing of the currency.<sup>b</sup> By  
 4 May, some of the notes had already been printed.<sup>c</sup>  
 5 The "Ha" series of notes in denomination of gulden  
 6 were to be used in the Dutch East Indies;<sup>d</sup> the "Ni"  
 7 series in dollar denominations were to be used in  
 8 British Malaya, British Borneo and Thailand<sup>e</sup> and the  
 9 "Hc" series in peso denominations were to be used in  
 10 the Philippines.<sup>f</sup> The purpose of issuing the mili-  
 11 tary currency notes was "to defray war expenditures  
 12 in considerations of the eventuality of carrying  
 13 military operation in the southern regions."<sup>g</sup> Later,  
 14 on 13 September 1941, a request was made to print  
 15 37,200,000 pesos.<sup>h</sup> There was another request for  
 16 45,860,000 dollars.<sup>i</sup> All these matters were known  
 17 by the Military Affairs Section as well as the mili-  
 18 tary Affairs Bureau itself of the War Ministry.<sup>j</sup>

19 00-67a. In order to control the basic study  
 20 and research on national total war, an ordinance was  
 21 passed on September 30, 1940 establishing the Total  
 22

23 00-67. a. Ex. 852, T. 8,451

b. Ex. 3025, T. 26,972-3

c. Ex. 854, Ex. 840, T. 8,467

d. T. 8,461-2

e. T. 8,462

f. T. 8,462

g. T. 8,457

h. T. 8,452-3

i. T. 8,454

j. Ex. 852, P. 16



War Research Institute.<sup>a</sup> The institute conducted

1 "table top maneuver" exercises of situations then  
 2 anticipated and which subsequently happened.<sup>b</sup> Mean-  
 3 while, "Japan, in breach of the trust reposed in her  
 4 by the League of Nations, fortified the mandated  
 5 islands. At the beginning of 1940, anti-aircraft,  
 6 coastal batteries, and other type of ordnance were  
 7 installed at the Aslito Airfield. Also at that time,  
 8 the NKK train brought plane parts and guns, bombs,  
 9 etc., from the pier to the Aslito Naval Airbase.<sup>c</sup>  
 10 Ammunition dumps were built,<sup>d</sup> more fighter and bomber  
 11 planes were brought in.<sup>e</sup>

12 00-67b. As the "chief of staff" of the War  
 13 Ministry, MUTO knew of and had a hand in all these  
 14 preparations. Lieutenant General TANAKA, Shinichi,  
 15 former Chief of Operations of the Army General Staff,  
 16 assured us that "the paper work for the preparation  
 17 is done by the General Staff; however, the actual  
 18 preparation, such as supply and strength, etc., was  
 19 carried on by the War Ministry. Since General MUTO  
 20 was Chief of the Military Affairs Bureau of the War  
 21 Ministry, explanations for the preparation of the  
 22 operation had to be made to him by the General Staff.  
 23

24 00-67a.

25 a. Ex. 868A, T. 8,817  
 b. T. 8,908

d. T. 9,090  
 d. T. 9,091  
 e. T. 9,093

He was well informed, especially on supply and money matters." <sup>a</sup> Major-General TANAKA, Ryukichi, erstwhile comrade of MUTO at the War Ministry, testified that in order to put the plans of the General Staff into execution, it was necessary that "the General Staff must gain the agreement of the Military Affairs Bureau which is that section of the War Ministry in charge of providing the money, funds and means of carrying out these plans." <sup>b</sup> When MUTO handled the Army side of the Army-Navy budget, the annual appropriation for 1939 jumped to 6,417,646,999 yen out of a total budget of 8,083,662,000 yen; in 1936, the War and Navy budget was only 1,075,000,000 yen out of a total budget of that year of 2,317,724,000 yen. In 1940 it increased to 6,766,645,902 out of 11,033,769,000 yen, and in 1941 it leaped to 15,446,711,931 out of 19,253,257,000 yen. <sup>c</sup>

00-68. Even the relatively unimportant matter of airfield construction, MUTO and his Bureau had charge of. On June 14, 1941, the Military Affairs Section of his Bureau caused to be prepared for the Vice-Minister of War KIMURA a secret telegram addressed to the Chief of Staff of the Formosan Army,

00-67b. a. T. 10,146  
b. T. 15,361  
c. T. 8,540-2

asking for his "continued efforts toward the completion of the remaining work in view of the current situation."<sup>a</sup> The Commander-in-Chief of the Formosan Army reported that the "first stage of construction work at Chaochow and Hengchun airfields have been completed."<sup>b</sup> This document was under the subject file of "Re preparations for aerial operations in Formosa,"<sup>c</sup> and identifies MUTO as the "Bureau Chief in Charge."<sup>c</sup> Before the introduction in evidence of the document, MUTO denied that his office "was engaged in the frantic task of speeding up construction of airports in Formosa way back in June of 1941."<sup>d</sup> He admitted that bombers from Formosa attacked Clark Field in the Philippines on the first day of the war.<sup>e</sup>

00-69. The strengthening of Japanese forces in different theatres was not only known by MUTO and his Bureau, but it was also their job to rig up excuses to cover up the real intention behind the reinforcements. For instance, on July 11, 1941, the Military Affairs Bureau prepared a draft for the Foreign Ministry "as reply material when the U. S. Government questions the Ambassador after the fact of

00-68. a. Ex. 3460A, T. 33,213, 33,215

b. Ex. 3460A, T. 33,216

c. T. 33,214

d. T. 33,210

e. T. 33,210



strengthening of military forces stationed in Man-

1 churia becomes known, (at least for the time being  
2 such a thing cannot be made clear.)"<sup>a</sup> Incidentally,  
3 Japanese reinforcement was made about two weeks after  
4 German Armies had invaded and overrun the western  
5 frontiers of Russia.

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25 00-69. a. Ex. 3458, T. 37,417-20

## 4. b. Diplomatic Negotiations

1           00-70. In the spring of 1941, American-  
2 Japanese negotiations were started at Washington  
3 to settle peaceably the pending issues in the  
4 Pacific.<sup>a</sup> Throughout the whole negotiations  
5 it was evident that Japan would rather have  
6 peace than war, if the United States and Great  
7 Britain would leave Manchuria and China to the  
8 mercy of Japanese exploitation.  
9

## 4. b-1. MUTO's hand in Washington

10           00-71. MUTO had very active part and great  
11 influence in these negotiations. Right in  
12 Washington, he had his subordinate, Col. Hideo  
13 IWAKURO, Chief of the Military Affairs Section,  
14 posted with Ambassador NOMURA. IWAKURO testified  
15 that in uniform and in active military status, he  
16 "went over to America as the officer attached to  
17 the Military Affairs Bureau to assist Ambassador  
18 NOMURA;"<sup>a</sup> that he was accorded great importance  
19 by Secretary Hull and other officials of the  
20 State Department; that he was the author of  
21

22 00-70

23 a. Ex. 1060, T. 9863

24 00-71

25 a. T. 32,993, 33,000

1 the "draft plan for an understanding"; that he  
2 accompanied NOMURA in his talks with Hull, and at  
3 these conferences he was given the opportunity to  
4 express freely his own opinion.<sup>b</sup>

5 OO-72. IWAKURO stoutly maintained he was  
6 positive that while in Washington he never received  
7 any instruction from his superior, MUTO, and neither  
8 did he send any report to MUTO.<sup>a</sup> Yet a moment later  
9 he identified as genuine IPS Document 3126 which  
10 the Tribunal admitted as Exhibit 3443, a strictly  
11 confidential telegram "sent by Chief of Military  
12 Affairs Bureau to Colonel IWAKURO" on June 2, 1941.<sup>b</sup>  
13 In that telegram, MUTO, commenting on a fireside  
14 chat of President Roosevelt, expressed the view  
15 that "the United States seems to be possessed of a  
16 specially strong wishful thinking in judging that  
17 Japan will refuse to perform her duty of attacking  
18 the United States under the Tri-Partite Alliance even  
19 in case of the United States' entry into the war."<sup>c</sup>  
20 MUTO's reaction was quickly voiced two days later in  
21 Washington by IWAKURO in a conference with Secretary

22 OO-71

23 b. T. 33,000-1

24 OO-72

25 a. T. 33,003  
b. T. 33010-11, Ex. 3443  
c. T. 33,011



1 Hull at the Wardman Park Hotel. IWAKURO explained  
2 to Hull that it was entirely incorrect to assume that  
3 the purpose of the understanding was to enable Japan  
4 to drift away from the Tri-Partite Pact, and that if  
5 the United States should become involved in the  
6 European war or the circumstances were such as  
7 would call for Japan to act under its interpretation  
8 of its obligations, Japan would feel obliged to dis-  
9 charge its obligations, such as Japan would regret  
10 to taking up arms against the United States.<sup>d</sup>

11 OO-73. Also in the telegram (Ex. 3443) MUTO  
12 referred to President Roosevelt's declaration  
13 "that the patrolling of the United States had been  
14 greatly strengthened," that "every possible effort  
15 should be made in insuring that goods necessary to  
16 England reach her safely," and his praise of Chiang  
17 Kai-shek "for his continued resistance against the  
18 Japanese . . ." MUTO told IWAKURO that "all the  
19 above are against our wishes," and warned him  
20 that "this attitude should be carefully watched."<sup>a</sup>  
21

22 OO-74. In August 1941, after the entry of

23 OO-72 d. T. 33,004

24 OO-73  
25 a. T. 33,011-2

Japanese troops into Indo-China, IWAKURO went back to Japan.<sup>a</sup> IWAKURO claimed that upon his return he was told by MUTO the reason why he was called back from Washington. Some staff of the Foreign Ministry did not like IWAKURO's intervention in Washington, and so TOJO, to avoid any obstacle to further negotiations, ordered him back.<sup>b</sup> But on cross-examination, IWAKURO said he was called back on his own request. He stated that "because the negotiations became somewhat difficult I wired back to Japan saying that I would like to report the details, and in reply to that telegram I was called back."<sup>c</sup> IWAKURO admitted that because of the entry of Japanese troops into Indo-China, the negotiations in Washington "met with great difficulties," that the President of the United States issued the freezing order, that Secretary Hull was constrained to say to NOMURA and IWAKURO that the move into Indo-China demonstrated Japan's lack of sincerity in really entering into peaceful negotiations on the Pacific issues.<sup>d</sup>

QC-74

- a. T. 32,998
- b. T. 32,998
- c. T. 33,005
- d. T. 33,006

## 4 a-2. MUTO's Part in Tokyo

1           00-75. In Tokyo, during the whole course of  
 2 the negotiations, MUTO was as busy as the proverbial  
 3 bee, taking part in Liaison Conferences, Imperial  
 4 Conferences, Privy Council meetings and other dis-  
 5 cussions that turned out decisions calculated to  
 6 tighten the vise on the western democracies.  
 7 Exhibit 1103 alone lists about 35 Liaison Conferences  
 8 from January 13, 1941 to July 21, 1941, all of which  
 9 MUTO attended.<sup>a</sup> YAMAMOTO, Kumaichi, former chief  
 10 of the American Bureau of the Foreign Office, testi-  
 11 fied that from October 23 to November 2, 1941,  
 12 Liaison Conferences were held daily, and between  
 13 November 6 and November 29, five or six Liaison  
 14 Conferences were held.<sup>b</sup> MUTO was regularly present  
 15 at those conferences.<sup>c</sup> YAMAMOTO further said that  
 16 aside from the formal conferences, he had meetings  
 17 with MUTO and OKA.<sup>d</sup>

19           00-76. As already pointed out, MUTO was in  
 20 attendance at the vital Imperial Conference of  
 21 July 2, 1941, which decided to execute at all cost  
 22 the southward move plan.<sup>a</sup>

24           00-75.

- 25           a. T.10,051-63  
             b. T.26,145  
             c. T.26,197  
             d. T.25,909, 26,150

00-76

- a. Ex. 588, T.6,566;  
               Par. 00-58 supra



1           00-77. On September 6, 1941, the same day that  
 2           the Imperial Conference was held, MUTO and OKA dis-  
 3           cussed at the Foreign Minister's official residence  
 4           the "peace terms" to be offered to China.<sup>a</sup> On  
 5           September 22, 1941 these terms were delivered to  
 6           Ambassador Grew in Tokyo.<sup>b</sup> MUTO and OKA, like  
 7           other Japanese leaders, would have peace with China,  
 8           if China would recognize the Japanese puppet state  
 9           of Manchukuo, allow Japan to exploit China's natural  
 10          resources, permit Japan to station troops and naval  
 11          forces "in certain areas in the Chinese territory  
 12          for a necessary period."<sup>c</sup>

13           00-78. Also on September 6, 1941 MUTO attended  
 14           the Imperial Conference which decided that "Japan  
 15           will execute her southern advance policy" and if  
 16           negotiations were not successful by the beginning  
 17           of October 1941, we shall immediately determine to  
 18           wage war against the United States (Britain and the  
 19           Netherlands.)"<sup>a</sup>

20           00-79. MUTO took part in the Imperial

21           00-77

- 22           a. Ex. 3456, T.33,192; Par.00-15, 00-16 supra  
 23           b. Ex. 1245-F, T.10,792  
 24           c. Ex. 3456, Ex. 1245-F

25           00-78

- a. T. 10,218

Conference of November 5, 1941, which approved  
 1 "measures toward foreign countries in relation to the  
 2 'principle of execution of national policy of the  
 3 Empire.'" As to the measures toward Germany and Italy,  
 4 "when it is recognized that the Japanese-American  
 5 negotiation comes to an end and warfare is inevitable  
 6 (imagined to be after November 25, probably), we in-  
 7 form Germany (Italy) without delay, Japan has an  
 8 intention to open hostilities against the United States  
 9 of America and Britain . . ."<sup>a</sup> Towards the Dutch East  
 10 Indies, "in order to hide and camouflage our intention,  
 11 we shall open the diplomatic negotiations. . ."<sup>b</sup>

13 OO-80. MUTO was interrogated at Sugamo if he,  
 14 with HOSHINO and OKA, supported the decision of the  
 15 Liaison Conference of November, 1941, to wage war  
 16 against the United States. MUTO replied, "you can  
 17 call it that, although it was not in our position to  
 18 decide one way or another." Asked if he did anything  
 19 to avert the decision to wage war, he retorted "he  
 20 did not."<sup>a</sup> The Liaison Conference of November 1-2,  
 21 1941, described by Chief of Counsel in the

22 OO-79

- 23 a. Ex. 1169, T. 10,333-4  
 24 b. Ex. 1169, T. 10,334

25 OO-80

- a. Ex. 2240-A, T. 16,121-2; 16,150

1 course of his cross-examination of the accused TOGO  
 2 as "the heart of this trial,"<sup>b</sup> "was concluded  
 3 around two o'clock in the morning"<sup>c</sup> and eventually  
 4 decided to wage war against the United States should  
 5 either Proposal A or B be rejected.<sup>d</sup>

6 OO-81. TOGO, in a voluntary written statement,<sup>a</sup>  
 7 said that MUTO attended the Liaison Conferences held  
 8 between October 23, 1941 and December 8, 1941;<sup>b</sup>  
 9 that "All had active part in the conferences;"<sup>c</sup>  
 10 that MUTO, with OKA and HOSHINO, "explained the  
 11 various plans and proposals submitted there;"<sup>d</sup>  
 12 and that "they participated in the debates in the  
 13 conferences."<sup>e</sup> To take part in a debate is to take  
 14 sides, to argue, to convince, to persuade, to sway  
 15 the sentiment, to mould the opinion of your listeners.  
 16 This transcends far beyond the functions of an  
 17 ordinary explainer. As one of the active debaters,  
 18 MUTO was a vital part in the machinery of policy-  
 19 making. Pages 36,058 to 36,086 attest to TOGO's  
 20 sorry exhibition in verbal juggling as he loyally  
 21 but vainly tried to water down the damaging effect  
 22 of his statement against MUTO, OKA and HOSHINO.

23 OO-80

24 b. T.36,077  
 25 c. T.36,058  
 d. T.36,060-1.  
 36,064

OO-81

a. T.36,068  
 b. T.36,072  
 c. T.36073 (underscoring ours)  
 d. T.36,084  
 e. T.36,084 (underscoring curs)



00-82. MUTO's contention that he was only  
1 distributing copies of documents during imperial  
2 conferences appears utterly ridiculous beside his  
3 admission that in 1939 and 1940 he had the rank of  
4 Major-General, and in 1941 Lieutenant-General, the  
5 second highest rank in the Japanese Army.<sup>a</sup> OKA, who,  
6 according to MUTO, was also distributing copies on  
7 behalf of the Navy, was Vice Admiral, the second  
8 highest rank in the Japanese Navy.<sup>b</sup> Who would in  
9 his right senses ever believe that a Lieutenant-  
10 General and a Vice Admiral would both perform the  
11 same function of a buck private acting as a page and  
12 distributing copies of documents to the members of  
13 this Tribunal? Imperial Ordinance No. 314 charges  
14 MUTO with the duty to manage "matters concerning  
15 general affairs of national defense policy" and  
16 "matters concerning international regulations."<sup>c</sup>  
17 You certainly do not manage matters concerning  
18 "general affairs of national defense policy" and  
19 "international regulations" by playing deaf and dumb  
20 and merely distributing copies in conferences where  
21 the vital issue of war or peace was being discussed  
22

23 00-82

- 24 a. T. 33,180  
25 b. T. 33,180-1  
c. Ex. 74, pp. 1, 4

and decided.

Turning now to paragraph 00-85.

00-85. That MUTO had the power and prestige to influence the course of events and the way of thinking in Japanese high officialdom was inadvertently betrayed by his own witness and former member of his Military Affairs Section, ISHII, Akiho. ISHII stated that at a midnight session of the Liaison Conference on November 1, 1941, the B proposal was introduced in the Conference "fresh from the portfolio of Foreign Minister TOGO without being exhibited beforehand to the Supreme Commander of the Army and Navy."<sup>a</sup> A heated discussion ensued between Chief of the General Staff SUGIYAMA and TOGO which took a very serious turn.<sup>b</sup> During the recess, MUTO accosted SUGIYAMA in a corridor and told him that he was assuming an unreasonable stand.<sup>c</sup> When the conference was resumed, SUGIYAMA, heeding MUTO's remonstrance, turned around, yielded to TOGO's views and agreed to the B proposal.<sup>d</sup> This piece of defense evidence alone proves beyond cavil of doubt that MUTO had

00-85

- a. T. 33,682
- b. T. 33,682
- c. T. 33,682
- d. T. 33,682

1 tremendous influence to sway Japanese epoch-making  
2 decisions for peace or for war, for good or for evil,  
3 and unfortunately he threw the whole weight of his  
4 influence on the side of war and evil. On this  
5 particular occasion, MUTO showed more diplomatic  
6 subtlety than SUGIYAMA in approaching the problem of  
7 how best to blackmail America. While MUTO was  
8 flexible and quick to change tactics to attain the  
9 common objective, SUGIYAMA was blunt and often  
10 uncompromising in his stand, specially where the  
11 matter involved the honor and glory of Japanese  
12 troops in China. It did not take MUTO much time,  
13 though, to win SUGIYAMA over to his more refined  
14 approach.  
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1 OO-86. MUTO himself made the admission that  
2 "Especially about August 1941, when Japan made conces-  
3 sions one by one to America," in the course of the  
4 American-Japanese diplomatic negotiations, "I think  
5 I made such concessions."<sup>a.</sup> He said TOJO never rep-  
6 rima<sup>b.</sup>ded him on account of those concessions.

7 OO-87. MUTO participated in the meeting of  
8 the Inquiry Committee of the Privy Council on December 8,  
9 1941, which discussed the declaration of war against  
10 America and England. Answering a query, Premier TOJO  
11 declared at the meeting that "the action of war may  
12 have been started from our side. . ."<sup>c.</sup> MUTO was  
13 interrogated in Sugamo if he agreed with TOJO on all  
14 his policies since the time TOJO became Premier in  
15 October, 1941, until he, MUTO, resigned as Chief of  
16 the Military Affairs Bureau. MUTO answered that the  
17 Cabinet was unanimous.<sup>b.</sup> Pressed for a categorical  
18 answer, and asked if his reply was that he agreed  
19 completely with TOJO, MUTO answered, "yes".<sup>c.</sup>

20 4 a-2-a. The MUTO Plan of November 13, 1941.

21 OO-88. On November 18, 1941, MUTO submitted  
22 a written plan to YAMAMOTO of the Foreign Office to

23 (OO-86. a. Ex. 3454, T. 33103

24 b. T. 33103.)

(OO-87. a. Ex. 1241, T. 10690-1; 10694.

25 b. Ex. 2241, T. 16157.

c. Ex. 2241, T. 16127.)

1 meet the situation in case the negotiations were  
 2 successful in Washington. <sup>a.</sup> MUTO's plan would demand  
 3 of the United States as Japan's price for peace in the  
 4 Pacific --

5 (a) 6,000,000 tons of oil annually from the  
 6 U. S.; <sup>b.</sup>

7 (b) 4,000,000 tons of oil annually from the  
 8 Netherlands Indies and more business opportunities  
 9 for Japanese subjects there; <sup>c.</sup>

10 (c) Stoppage of all aid to Generalissimo  
 11 Chiang Kai-shek; <sup>d.</sup> and

12 (d) Abolition of the freezing measures. <sup>e.</sup>

13 OO-89. Under the MUTO Plan, upon the failure  
 14 on the part of the United States to deliver promptly  
 15 the required American oil, to stop aid to Chiang, to  
 16 rescind freezing measures and to restore Japanese trade  
 17 with the Netherlands Indies, the Japanese Empire would  
 18 "open hostilities against U. S. A., Great Britain and  
 19 the Netherlands." <sup>a.</sup> Likewise, if the Netherlands Indies  
 20 failed to deliver promptly the required oil, under the  
 21 MUTO plan, Japan would "send the necessary units to  
 22 the Netherlands Indies for the sake of security." <sup>b.</sup>

23 OO-90. YAMAMOTO, Kumaichi, former chief of

24 (OO-88. a. Ex. 3445, T. 33037 (OO-89. a. T. 33040-2  
 25 b. T. 33038, 33040-1 b. T. 33042.)  
 c. T. 33039-40  
 d. T. 33037, 33039, 33041-2  
 e. T. 33038, 33040-2.)

1 the American Bureau of the Foreign Office, tried to  
2 protect MUTO by stating that the plan emanated from  
3 the Army General Staff, that MUTO himself felt it<sup>a.</sup>  
4 "was outrageous and not even worth taking up,"<sup>b.</sup>  
5 and that TOGO reprimanded him for receiving it. If  
6 the plan had really originated from the Army General  
7 Staff, YAMAMOTO would have so indicated on the docu-  
8 ment. Actually YAMAMOTO pencilled an annotation on  
9 the front cover of the plan, "18 November 1941. From  
10 MUTO, Chief of Military Affairs Bureau. YAMAMOTO,"<sup>c.</sup>  
11 evidently with the double purpose of reminding himself  
12 of and keeping the official records straight as to its  
13 source. If the plan was "outrageous and not even worth  
14 taking up" and TOGO reprimanded YAMAMOTO for receiving  
15 it, the Foreign Ministry would not have stamped it  
16 "State Secret", the highest and most secret seal of  
17 the Japanese Government,<sup>d.</sup> and would not have taken  
18 the pains to guard and conserve it zealously. These  
19 considerations must have prompted the Tribunal to  
20 address YAMAMOTO the following question: "Is there  
21 any writing or memorandum anywhere which would show  
22 that MUTO personally disapproved of this plan which  
23 the witness attributes to the General Staff?"<sup>e.</sup> As  
24

25 (OO-90. a. T. 33046  
b. T. 33127  
c. T. 33036  
d. T. 33036  
e. T. 33048.)



1 YAMAMOTO's answer was lacking in candor and clearly  
2 evasive, the Acting President of the Tribunal remarked  
3 "That is not an answer to the question," and went on  
4 to repeat it. YAMAMOTO reluctantly answered, "No,  
5 there is no such writing." <sup>f.</sup> In response to a further  
6 inquiry from the Tribunal, YAMAMOTO admitted that  
7 besides his memory there was nothing in the document  
8 itself which showed the plan came from the General  
9 Staff. <sup>g.</sup>

10 OO-91. MUTO might have been threatened by  
11 some elements in Japan for what they considered his  
12 weak-kneed attitude towards the United States. <sup>a.</sup> Those  
13 elements evidently were of the ultra-nationalist,  
14 extremist groups who, overflowing with confidence in  
15 Japanese superior might, urged an immediate show-down  
16 in arms with America. Compared with those hyper-  
17 sensitive hot-heads, MUTO was a cold-blooded, cunning  
18 strategist who was not averse to using diplomatic  
19 strategem, along with military pressure, to compel  
20 hard-pressed America to yield to Japanese unalterable  
21 demands. While MUTO and the ultra-radicals differed  
22 solely on the means, both had the same diabolical ends.  
23 MUTO's brand of diplomacy could somehow be exemplified

24 (OO-90. f. T. 33048 (OO-91. a. T. 15853, 15919  
25 g. T. 33048.) 33103.)

1 by the heavily armed hi-jacker who smiles indulgently  
2 on his victim to persuade him to please surrender  
3 peacefully his pocketbook or else it would be just too  
4 bad. Come across with the oil or else... Leave China  
5 alone or else... It is in this perspective that MUTO's  
6 diplomatic efforts through Bishop Walsh and Father  
7 Drought must be properly viewed.<sup>b.</sup>

8 OO-91a. But how far MUTO would go diplomatic  
9 and how very flimsy was his reliance upon diplomacy,  
10 were illuminatingly revealed by the top secret docu-  
11 ment known as the MUTO Plan of November 13, 1941,  
12 which called for the opening of "hostilities against  
13 U.S.A., Great Britain and the Netherlands" if America  
14 failed to deliver promptly the huge amounts of oil  
15 demanded by Japan and to act expeditiously on other  
16 Japanese impositions.<sup>a.</sup> Under the MUTO Plan, Japan  
17 would also "send the necessary units to the Netherlands  
18 Indies for the sake of security" if the Netherlands  
19 failed to deliver promptly and regularly 4,000,000  
20 tons of oil annually. MUTO was so mistrustful of the  
21 good faith and even the pledged word of America, England  
22 and the Netherlands that in his plan he would not give  
23 them more than a week's leeway to comply with Japanese  
24 (OO-91. b. Ex. 3441, T. 32,979-90)  
25 (OO-91a. a. Ex. 3445, T. 33,037-42)

1 terms.<sup>b.</sup> Due to its tremendous importance, the MUTO  
 2 Plan of November 13, 1941, is more extensively discussed  
 3 above.<sup>c.</sup>

4 4 a-3. Imperial Rescript Declaring War.

5 OO-92. When interrogated at Sugamo, MUTO  
 6 stated that he had a hand in preparing the declaration  
 7 of war on the United States.<sup>a.</sup> He said that Foreign  
 8 Minister TOGO wrote a draft, so did OKA, so did he.<sup>b.</sup>  
 9 Later in his interrogation, however, MUTO said he made  
 10 a mistake. What he meant by the note about the  
 11 declaration of war was the Imperial Rescript which was  
 12 prepared by him and others. He said the ultimatum  
 13 was drafted by the Foreign Office. The final draft  
 14 was shown to him for consultation and he approved it.<sup>c.</sup>  
 15 OKA and HOSHINO also helped prepare the draft. OKA  
 16 represented the Navy, HOSHINO represented the Liaison  
 17 Conference, he, MUTO, represented the War Ministry.  
 18 MUTO said YAMAMOTO represented the Foreign Office.<sup>d.</sup>

19 On the stand MUTO repudiated the accuracy of this por-  
 20 tion of the transcript of his interrogation at Sugamo.  
 21 The best evidence on the fairness of the interrogation  
 22 and the accuracy of the transcript (Ex. 2240-A) is the

23 (OO-91a. b. Ex. 3445, T. 33037-42  
 24 c. See pars. OO-88, OO-89, OO-90.)  
 25 (OO-92. a. Ex. 2240A, T. 16124  
 b. Ex. 2240A, T. 16124  
 c. Ex. 2240, T. 16125  
 d. Ex. 2240A, T. 16126-8)



1 fact that it records the pains taken by the inter-  
2 rogator to get only the true facts as MUTO knew them.  
3 For instance, the interrogator addressed the following  
4 question to MUTO:

5 "Q. Let us get this straight for the sake of  
6 posterity. You prepared your own draft; Mr. TOGO also  
7 prepared his own draft; and Mr. OKA also prepared his.  
8 After each one of you prepared an individual draft,  
9 the three of you huddled together and drafted the final  
10 draft, is that it?

11 "A. I am sorry. What I thought you meant by  
12 declaration of war was the speech which the Emperor  
13 gave. This was prepared by me and the others. The  
14 actual ultimatum was drafted by the Foreign Office."<sup>e.</sup>  
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24 (OO-92. e. T. 16125.)  
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00-93. Another proof of the accuracy of the transcript is the fact that the accused KAYA used portions of the transcript as evidence in his defense.<sup>a.</sup>

As may be seen from exhibit 3333, MUTO during the interrogation would sometimes request and was permitted to make corrections of any statement he might have made previously which he considered, on reflection, to be erroneous.<sup>b.</sup>

4 a-4. Secret Operational Plans

00-94. The last point to consider in this discussion is whether MUTO knew of the secret operational plans calling for the attack on Pearl Harbor, Singapore, Philippines and Indonesia. TOJO claimed that as Premier and as member of the Cabinet he did not know of the operational plans, but as member of the Imperial General Headquarters and of the Supreme War Council he knew of them.<sup>a.</sup> Even allowing TOJO's exaggerated statement to stand unchallenged, still MUTO would know of those secret plans since MUTO occupied the War Ministry suite at the Imperial General Headquarters, and he likewise was Chief Secretary of the Supreme War Council.<sup>c.</sup>

00-93. a. Ex. 3333, T. 30617  
b. T. 30618-9)

00-94. a. Ex. 3336, T. 13626  
b. Ex. 118, T. 744  
c. Ex. 118, T. 744)

## 00-95. The importance of the Supreme War

Council was made apparent when War Minister HATA had to  
consult the Council and the Big Three of the Army be-  
fore handing in his resignation to Premier YONAI.<sup>a.</sup>

Admiral OKADA, former Navy Minister, testified that  
the information he got as Navy Minister was generally  
the same as that which he received as member of the  
Supreme War Council, and in the latter capacity he had  
access to secret information that was regularly fur-  
nished him. He further said that he secured any other  
secret information of the Navy by asking for it.<sup>b.</sup>

Also, regarding the Army plan to send Count TERAUCHI  
to Berlin to attend the Nazi Party Conference in 1939,  
even the Emperor himself did not learn of it until he  
attended a meeting of the Supreme War Council.<sup>c.</sup>

00-96. Lieutenant General TANAKA, Shinichi,  
is authority for the statement that following the  
Imperial Conference on December 1, 1941, he was di-  
rected by Chief of Staff General SUGIYAMA to write the  
order to the field commanders in the southwest, so that  
in case war should break out they would be ready.<sup>a.</sup>

SUGIYAMA issued the order because his signature was

(00-95. a. Ex. 3199-A, T. 28941

b. T. 1880

c. Ex. 3804-B, T. 37836-7)

(00-96. a. T. 16146)



1 necessary to make the order valid and effective; but  
2 before the order could be wired to the various command-  
3 ers in the South Pacific, it also had to have the sig-  
4 nature of approval of Generals TOJO, KIMURA and MUTO  
5 in their respective capacities as War Minister, Vice  
6 Minister of War, and Chief of the Military Affairs  
7 Bureau. <sup>b.</sup> It was the customary rule in the General  
8 Staff Office, according to TANAKA, to obtain the sig-  
9 natures of the War Minister, the Vice War Minister and  
10 the Chief of the Military Affairs on those important  
11 orders before they could be sent out. <sup>c.</sup>

12 00-97. On October 8, 1941, MUTO told Major  
13 F. D. Merrill, then member of the staff of the American  
14 Military Attache in Tokyo, "there is no longer any real  
15 hope of settling the problems between our countries by  
16 talks between diplomats. The matter is one for the  
17 armies to settle. It is possible that the armies can  
18 do this without fighting, therefore I think that you  
19 should endeavor to report to your superiors that Japan  
20 has a good army. I do not care how you criticize us,  
21 but you should be careful to say only actual facts. If  
22 you cannot convey to our people the true state of things  
23 I am afraid that I must give you a very unpleasant fare-  
24 well present. This present is simply that if an  
25

(00-96. b. T. 16146-7  
c. T. 16147)

1 understanding is not reached you will be fighting us  
2 in six weeks in Manila." <sup>a.</sup>

3 00-98. Major Merrill, who later on became  
4 General Merrill, leader of the famous Merrill Marauders  
5 in the Burma campaign, explained the circumstances of <sup>a.</sup>  
6 how he came to have an interview with MUTO before he  
7 left Japan. Merrill related that he was invited to  
8 call at the General Staff, and upon arrival was imme-  
9 diately taken to the War Office and presented to Gen-  
10 eral MUTO. MUTO said that as Major Merrill had just  
11 returned from a tour of duty with the Japanese Army,  
12 it was his desire to explain to him the seriousness  
13 of the international situation. <sup>b.</sup> Exhibit 3748 is a  
14 certified copy of the written report made by Major Mer-  
15 rill of his interview. MUTO bluntly denied having seen  
16 Major Merrill in his office, much less talked with him. <sup>c.</sup>  
17 MUTO did not and cannot explain why General Merrill  
18 should invent out of his own imagination the details  
19 of an important interview if it did not actually take  
20 place.  
21

22 00-99. General TANAKA, Ryukichi, testified  
23 that on December 8, 1941, the day of the Pearl Harbor  
24 (00-97. a. Ex. 3748, T. 37422-4)  
25 (00-98. a. Ex. 3748. T. 37422-4; T. 33206  
b. Ex. 3748, T. 37422-4  
c. T. 33208)

1 attack, there was a meeting of all staff members of the  
2 War Ministry. Before War Minister TOJO issued his in-  
3 structions to his staff, MUTO and TANAKA were standing  
4 together, and MUTO remarked to TANAKA that "at last the  
5 War Minister has become a hero." On the next day  
6 another meeting was held in the dining room of the War  
7 Office Building. In the course of their conversation  
8 MUTO told TANAKA that the dispatch of Ambassador KURUSU  
9 to the United States as well as the dispatch of the  
10 "Tatsuta Maru" was nothing more than an attempt to  
11 camouflage the events leading to the opening of hos-  
12 tilities.<sup>b.</sup>

13 THE PRESIDENT: We will recess for fifteen  
14 minutes.

15 (Whereupon, at 1045, a recess was  
16 taken until 1100, after which the proceedings  
17 were resumed as follows:)  
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23 (00-99. a. T. 18171-2  
24 b. T. 15867, 15871)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Lopez.

4 MR. LOPEZ: (Reading) 5. Atrocities in the  
5 Early Phase of War.

6 OO-100. Much of the responsibility for the  
7 Bataan Death March, the Massacre at Singapore, the Rape  
8 at Hong Kong and other shocking atrocities during the  
9 early phase of the Pacific War (December 8, 1941 -  
10 April 20, 1942), is traceable and chargeable to LUTO  
11 as Chief of the Military Affairs Bureau. He admitted  
12 that the policy pertaining to prisoners of war emanated  
13 from the Prisoner of War Information Bureau set up  
14 sometime around the end of December 1941 or early 1942,  
15 and that the prisoners of war camps were built under  
16 the direction of his bureau.<sup>a.</sup> Colonel Shigeru YAMAZAKI,  
17 former high official in the Prisoner of War Information  
18 Bureau and Prisoner of War Control Bureau,<sup>b.</sup> stated that  
19 "all important matters" regarding prisoners of war "had  
20 to go through the Military Affairs Bureau and without  
21 going through the Military Affairs Bureau almost nothing  
22 could be done."<sup>c.</sup> Cross-examined as to whether "the  
23 Director of the Military Affairs Bureau himself gave  
24

25 (OO-100. a. Ex. 345, T. 3436.  
b. T. 14,839.  
c. T. 14,844.)

1 the orders," or whether the "documents simply were  
 2 routed through the Military Affairs Bureau," he replied  
 3 that he "meant something far stronger than simply  
 4 going through the Military Affairs Bureau." <sup>d.</sup> Asked  
 5 how Major General MUTO could give orders to Lieutenant  
 6 General UEMURA, Director of the Prisoner of War Control  
 7 Bureau, YAMAZAKI, replied that "the Director of the  
 8 Military Affairs Bureau was a kind of Chief of Staff  
 9 to the War Minister so far as the work was concerned  
 10 and thus was able to give orders." <sup>e.</sup> Actually, MUTO  
 11 was Lieutenant General in October 1941. <sup>f.</sup> YAMAZAKI  
 12 reiterated that "nothing could be done without going  
 13 through the Director of the Military Affairs Bureau." <sup>g.</sup>

14 OO-101. From the outbreak of the war until  
 15 April 20, 1941, when MUTO had control of and supervision  
 16 over policies concerning prisoners of war and their  
 17 camps, degradations, brutalities and murders were  
 18 perpetrated on Allied prisoners of war and civilians  
 19 throughout the whole theatre. They were so widespread  
 20 and involved so many victims that it can reasonably  
 21 be assumed that MUTO and other Japanese leaders in  
 22 Tokyo either ordered such atrocities or knew of them  
 23 and condoned such actions. For details of the Bataan

24 (OO-100. <sup>a.</sup> T. 14,844. <sup>f.</sup> Ex. 118, T. 745.  
 25 <sup>e.</sup> T. 14,845-6. <sup>g.</sup> T. 14,847.)

a. b.  
 1 Death March and the Death Hole at Camp O'Donnell,  
 2 see the General Summation.

3 5 a. Atrocities at Singapore, Manila, Hong Kong  
 4 and Java.

5 00-102. As the official occupying the War  
 6 Ministry suite at the Imperial General Headquarters, a.  
 7 MUTO had cognizance of the outrages at Singapore in  
 8 February and March 1942, described in the "Greater East  
 9 Asiatic Top Secret Operation Diary of the Imperial Head-  
 10 quarters." b. For details of those outrages, see the  
 11 General Summation. c.

12 00-103. Also see the General Summation for  
 13 a full discussion of the atrocities committed during  
 14 this period at Hong Kong, Java, Borneo, Burma and  
 15 Siam, the Celebes and surrounding islands, New  
 16

17 (00-101. a. Sec. J. (Gen Summation) Appendix B, Part II,  
 18 pars. 90-96, 97.

19 b. Sec. J. (Gen Summation) Appendix B, Part II,  
 20 pars. 98-101.

21 00-102. a. Ex. 118, T. 744.

22 b. Ex. 476, T. 5624.

23 c. Sec. J. (Gen Summation) Appendix B, Part I,  
 24 pages 12-16.

25 00-103. a. Sec. J. (Gen Summation) Appendix B, Part I,  
 pp. 5-9.

b. Ex. 1704, T. 13,606; Sec. J. (Gen Summation)  
 Appendix B, Part I, pp. 9-12.

c. Sec. J. (Gen Summation) Appendix B, Part I,  
 pp. 2-2A.

d. Sec. J. (Gen Summation) Appendix B, Part I,  
 p. 3.

e. Sec. J. (Gen Summation) Appendix B, Part I,  
 pp. 3-4.)



Britain, <sup>f.</sup> Sumatra, <sup>g.</sup> and Timor and lesser Sunda Islands. <sup>h.</sup>

II. As Officer in the Field.

1. Rape of Nanking.

OO-104. From November 4, 1937 to early July, 1938, MUTO was Vice-Chief of Staff of General MATSUI, Commander-in-Chief of the Central China Area Army, commanding concurrently the Expeditionary Army at Shanghai and the Tenth Army. <sup>a.</sup> MUTO was very close to MATSUI throughout the operations that resulted in the Rape of Nanking which established the pattern of other Japanese atrocities that were to sweep the whole of East Asia and culminate in the Rape of Manila eight years later. For a detailed discussion on the Rape of Nanking, see <sup>b.</sup> the General Summation.

OO-105. According to defense witness NAKAYAMA, MUTO was always at the side of MATSUI. MUTO was with MATSUI at Suchow around December 9. <sup>a.</sup> MUTO flew with MATSUI from Suchow to Chujung, in order to take part in the formal entry of Japanese troops into Nanking on December 17. <sup>b.</sup> NAKAYAMA said that MUTO stayed only six

(OO-103. f. Sec. J. (Gen Summation) Appendix B, Part I, p. 12.

g. Sec. J. (Gen Summation) Appendix B, Part I, pp. 17-18.

h. Sec. J. (Gen Summation) Appendix B, Part I, pp. 18-19.

OO-104. a. T. 33,086, 33,091.

b. Sec. J. (Gen Summation) Appendix A, pars. 3-72.

OO-105. a. T. 21,899.

b. T. 21,902, 21,912.)

c.  
days in Nanking, from December 15 to December 20

d.  
1 although MUTO in his interrogation had stated that he  
2 remained ten days.

3 OO-106. Both in his affidavit and interroga-  
4 tion, MUTO admitted that "plunder and rape cases  
5 occurred there." a. He insisted, however, there "were  
6 only between ten and twenty incidents reported to the  
7 two commanders under General MATSUI." b. How MUTO and  
8 MATSUI could not have known of the mass debauchery,  
9 killings and tortures of thousands upon thousands of  
10 the population of a renowned city is simply beyond the  
11 understanding of any impartial mind. Nothing in his  
12 affidavit mentions any step he or MATSUI took to punish  
13 the guilty in order to discourage the recurrence of  
14 the crimes committed.  
15

16 2. North China Atrocities.

17 OO-107. From early July, 1938, to the end  
18 of September 1939, MUTO was the Vice-Chief of Staff  
19 of the North China Area Army. He moved to Peiping. a.  
20 For the details of North China atrocities, see page 78  
21 of the transcript.  
22

23 (OO-105. c. T. 21,935.

d. Ex. 255.

24 OO-106. a. T. 3553-4, Ex. 3454, T. 33,089.

b. T. 3556.

25 OO-107. c. Ex. 3454, T. 33,091, 33,092.)

### 3. Atrocities in Sumatra.

00-108. MUTO left his office as Chief of the Military Affairs Bureau on April 20, 1942, to become the Commander of the Imperial Guards Division, and so acted until October 12, 1944, when he left Madan for the Philippines to become Chief of Staff of General YAMASHITA.<sup>a.</sup> For a full recital of the atrocities perpetrated during MUTO's stay in Sumatra, see the General Summation.<sup>b.</sup>

4. Rape of Manila and Late Atrocities in the Philippines.

00-109. On the night of October 20, 1944, Lieutenant General MUTO arrived at Fort McKinley in the Philippines to assume his post as Chief of Staff of the 14th Area Army under the command of General YAMASHITA<sup>a</sup>. He held that position until the Japanese surrender in September, 1945<sup>b</sup>. During his tenure as Chief of Staff to General YAMASHITA, a savage campaign of mass annihilation, destruction, torture and debauchery was waged by their troops on the helpless civilian population of the Philippines which reached its climax with the Massacres in Batangas and the Rape

(OO-108: a. Ex. 3454, T. 33,131-34.

b. Sec. J. (Gen Summation) Appendix B, Part I, pages 17-18, 36, 56-57, 73-74, 87-88, 102.

00-109. a. T. 33, 134; Ex. 118, T. 747.

b. Ex. 118, T. 747.



1 of Manila. In its sadism, its cold-bloodedness, its  
 2 bestiality, and in its wholesale madness -- it bore  
 3 the striking features and followed the ugly patterns  
 4 set eight years earlier at the Rape of Nanking. A  
 5 fully-documented narrative of those atrocities that  
 6 claimed or wrecked the lives of thousands of unarmed  
 7 non-belligerents, including women, children and old men,  
 8 appears in the General Summation.<sup>c.</sup> For details of  
 9 mistreatments, starvation and neglect of Allied civilian  
 10 internees and prisoners of war, see the General  
 11 Summation.<sup>d.</sup>

12 OO-110. MUTO now would have the Tribunal  
 13 believe he never knew of those atrocities, and neither  
 14 were they ordered or condoned. YAMASHITA set up the  
 15 same defense when he was tried for his life for those  
 16 atrocities. It is universally known that the Military  
 17 Commission in Manila, composed of United States Army  
 18 general officers, with the exception of one Filipino,  
 19 convicted YAMASHITA to be hanged until dead. Its find-  
 20 ing and conviction were sustained by the Supreme Allied  
 21 Commander, since the atrocities were so widespread and  
 22 (OO-109. c. Sec. J. (Gen Summation) Appendix B, Part II,  
 23 pars. 21, 23-55; 56-57; 61, 62, 63, 64, 70,  
 24 71; 72-77; 78-88.  
 25 d. Sec. J. (Gen Summation) Appendix B, Part II,  
 pars. 56-57, 63, 113, 123-27, 128-32, 133,  
 134-36, 137-39, 140-43, T. 27, 638-39, 27, 625,  
 27, 640, 27, 643-44, 27, 649-50.)

1 flagrant that the Japanese high command must have known,  
2 ordered or tolerated them.

3 OO-111. With the tremendous power wielded  
4 by his office, MUTO could have at least prevented the  
5 recurrence of those atrocities in other parts of Asia,  
6 since he knew what had happened in Nanking and North  
7 China. In 1939 YAMASHITA and MUTO were the Chief of  
8 Staff and Deputy Chief of Staff of the North China Area  
9 Army under the command of General SUGIYAMA.<sup>a.</sup> After  
10 the Rape of Nanking, MUTO admitted, a book denouncing  
11 the outrage was published which caused Japanese mili-  
12 tary men to cringe in shame.<sup>b.</sup> He also stated that it was  
13 a demonstration of weakness on the part of Japanese  
14 military education. This phenomenon, he said, had its  
15 first outcropping during the Siberian Expedition where  
16 cases of rape, looting and murder were reported for the  
17 first time; such crimes were unknown during the Russo-  
18 Japanese and Sino-Japanese Wars.<sup>c.</sup> Asked what he did  
19 to improve the education and behaviour of the rank  
20 and file of the Japanese Army, he replied, laughing,  
21 that he was not in a position to do anything about it.<sup>d.</sup>

22 OO-112. Yet, as Chief of Military Affairs  
23 Bureau he was virtually the Chief of Staff of the War  
24

25 (OO-111. a. Ex. 255, p. 3.

b. T. 16,132.

c. T. 16,134.

d. T. 16,135-6.)

1 Ministry, the liaison between the army and the Diet  
2 and the bridge between the General Staff and the army.  
3 On October 10, 1939, he was appointed Councillor of  
4 the Bureau of Education.<sup>a.</sup> On December 11, 1939, he was  
5 appointed by the cabinet a member of the Japanese  
6 Language Textbook Investigation Commission.<sup>b.</sup> He  
7 admitted that for a long time he had been associated  
8 with the Inspector General Military Training Depart-  
9 ment and "was very much interested in the proper edu-  
10 cation of the army."<sup>c.</sup> Thus, he had the power and the  
11 opportunity to correct the roots of an obvious tendency  
12 on the part of the Japanese troops to abuse any mass  
13 of people opposed to their program of expansion by  
14 force. MUTO and his kind did nothing about it -- as  
15 it proved a convenient means of terrorizing many into  
16 submission and cowing many into collaboration.

17 III. In Conclusion, if the Tribunal please:

18 OO-113. Not one word of remorse, not one  
19 sigh of regret, not one tear of repentance. The old-  
20 time swagger and arrogance are still there. The we-will-  
21 do-it-again look is unmistakable. Like his co-  
22 conspirators in the dock, MUTO tried to pose throughout  
23 these proceedings as a martyr, and endeavored to justify  
24 (OO-112. a. Ex. 118, T. 744.  
25 b. Ex. 118, T. 745.  
c. T. 16, 135.)



1 every single Japanese move and act in ravished Man-  
2 churia, China, Philippines, Indonesia and Burma, as  
3 well as the assault on America and the western  
4 democracies. If given a chance, MUTO and the rest of  
5 the TOJO gang would in all certainty start rebuilding  
6 the old war machine in a new bid for power -- to chase  
7 again Chinese "bandits" in Manchuria, to launch anew  
8 the "holy war" to recover China, to cry once more of  
9 "encirclement" as terrified prospective victims barri-  
10 cade themselves and refuse to pay more tribute in scrap  
11 iron and oil, to spring another of those favorite  
12 Pearl Harbor and Port Arthur sneak attacks, and to  
13 recapture the lost glory and grandeur of "Greater East  
14 Asia Co-Prosperity Sphere."

15 IV. Particulars as to Counts.

16 00-114. The foregoing discussion on the Man-  
17 churia and China Incidents, at pages 00-04 to 00-09  
18 involve counts 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,  
19 17, 27 and 28 of the Indictment; on the Fall of the  
20 YONAI Cabinet, Tripartite Pact and Imperial Rule  
21 Assistance Association, at pages 00-10 to 00-30,  
22 counts 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and  
23 38; on the Southward Move, at pages 00-30 to 00-37,  
24 counts 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 23,  
25 33; on the Attack on Pearl Harbor, Singapore,

Philippines, Indonesia, Burma at pages 00-37 to 00-67, counts 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 24, 27, 28, 29, 30, 31, 32, 34, 37, 38, 39, 40, 41, 42, and 43; on Atrocities in the Early Phase of War, at pages 00-67 to 00-70, counts 44, 53, 54, 55; on the Rape of Nanking and North China Atrocities, pages 00-70 to 00-72, counts 44, 45, 46, 47, 53, 54 and 55; Atrocities in Sumatra, at page 00-72; and Rape of Manila and late Atrocities in the Philippines, at pages 00-72 to 00-76, counts 44, 53, 54, and 55.

00-115. A brief description of each of the counts against MUTO follows:

<u>Count No.</u>	<u>Concerning What</u>
1 to 5	General Conspiracy
6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17	Planning and preparing war of aggression between January 1928 and 2 September 1945 against China (6), America (7), United Kingdom (8), Australia (9), New Zealand (10), Canada (11), India (12), Philippines (13), Netherlands (14), France (15), Thailand (16), Russia (17).
19	Initiating war of aggression against China on 7 July 1937.
20, 21, 22, 24	Initiating war of aggression on 7 December 1941 against America (20), Philippines (21), British Commonwealth (22), France (23), Thailand (24).
23	Initiating war of aggression on 22 September 1940, against France.
26	Initiating war of aggression during the summer of 1939 against Mongolian People's Republic.

- |    |              |  |
|----|--------------|--|
| 1  | 27           | Waging war of aggression between 18 September 1931 and 2 September 1945 against China.   |
| 2  | 28           | Waging war of aggression between 7 July 1937 and 2 September 1945 against China.   |
| 3  |              |  |
| 4  | 29 to 32, 34 | Waging war of aggression between 7 December 1941 and 2 September 1945, against America (29), Philippines (30), British Commonwealth (31), Netherlands (32), Thailand (34).   |
| 5  |              |  |
| 6  |              |  |
| 7  | 33           | Waging war of aggression on or after September 1940 against France.  |
| 8  |              |  |
| 9  | 36           | Waging war of aggression during the summer of 1939 against the Mongolian People's Republic and Russia.   |
| 10 |              |  |
| 11 | 37           | Conspiring between 1 June 1940 - 8 December 1941 to kill and murder, by initiating unlawful hostilities, against America, Philippines, British Commonwealth, Netherlands, Thailand, in violation of Article 5 of Hague Convention of July 29, 1899, Appendix B of Indictment.                                |
| 12 |              |  |
| 13 |              |  |
| 14 |              |  |
| 15 | 38           | Conspiring between 1 June 1940 - 8 December 1941 to kill and murder, by initiating unlawful hostilities against America, Philippines, British Commonwealth, Netherlands, Thailand, in violation of Articles 6, 7, 19, 33, 34, and 36 of the Hague Convention of July 29, 1899, Appendix B of the Indictment. |
| 16 |              |  |
| 17 |              |  |
| 18 |              |  |
| 19 |              |  |
| 20 | 39           | For the unlawful attack on Pearl Harbor on 7 December 1941.  |
| 21 |              |  |
| 22 | 40           | For the unlawful attack on Kota Bahru on 8 December 1941.  |
| 23 |              |  |
| 24 | 41           | For the unlawful attack on Hong Kong on 8 December 1941.   |
| 25 | 42           | For the unlawful attack on H.M.S. Petrel, British ship on 8 December 1941.   |



1 If the Tribunal please, Commander Cole will  
2 proceed to present the summation against OKA, Takasumi.

3 THE PRESIDENT: Commander Cole.

4 COMMANDER COLE: If it please the Tribunal:  
5 The Summation against OKA, Takasumi.

6 PP-1. The accused OKA is charged under  
7 Counts 1 to 17, 20 to 22, 24, 27 to 32, 34, 37 to 44,  
8 and 53 to 55 of the Indictment.

9 I. OKA's Naval Career and Official Positions.

10 PP-2. OKA was born in 1890 and graduated  
11 from the Naval Academy in 1911. By 1919 he had become  
12 a submarine captain.<sup>a.</sup> In October 1931 he was as-  
13 signed for duty in the Naval General Staff and con-  
14 currently in the Navy Ministry;<sup>b.</sup> thereafter he spent  
15 most of his naval career in administrative positions  
16 in Tokyo. For more than ten of the fourteen years  
17 from 1931 to 1945 he was attached to Naval Head-  
18 quarters.<sup>c.</sup>

19 PP-3. OKA played an important part in the  
20 conspiracy to plan and wage wars of aggression and  
21 participated in it from beginning to end in his  
22 capacity as (a) one of the Staff Officers attached to  
23 the Naval General Staff and Navy Ministry in Tokyo

24 PP-2. a. Ex. 120 (p. 3), T. 750.  
25 b. Ex. 3473, T. 33381.  
c. T. 33452.

1 from October, 1931, to December, 1936 (b) as Chief  
 2 of Section One, Naval Affairs Bureau, from 15 January,  
 3 1938 to 14 October, 1939 (c) as Chief of Division  
 4 Three, Naval General Staff from 15 October, 1939 to  
 5 15 October 1940 (d) as Chief of the Naval Affairs  
 6 Bureau from 15 October 1940 until 18 July 1944, and  
 7 (e) as Navy Vice Minister from 18 July 1944 until  
 8 5 August 1944.  
 a.

9 PP-4. OKA's share in the conspiracy is  
 10 shown by the fact that he rose steadily in rank and  
 11 official position throughout the entire period. In  
 12 1931 he was a Commander in the Navy. He was  
 13 promoted to Rear Admiral on 1 December 1939. On  
 14 1 December 1942 he was promoted to Vice Admiral.  
 b.  
 c.

15 PP-5. As Chief of Section One of the Naval  
 16 Affairs Bureau and subsequently Director of the Bureau,  
 17 OKA was in a position to share in the formulation and  
 18 execution of the policies culminating in the wars of  
 19 aggression. Vice-Admiral HOSHINO, Zenshiro, former  
 20 Chief of the Naval Affairs Bureau, testified that when  
 21 it was necessary to negotiate with outsiders in  
 22 handling matters within the jurisdiction of the Navy  
 23 Ministry, it was customary for the Ministry to do so  
 24

25 PP-3. a. Ex. 120, T. 751-761.

PP-4. a. Ex. 3473, T. 33381. c. Ex. 3473, T. 33385.

b. Ex. 3473, T. 33,384.

through the Naval Affairs Bureau. This is confirmed by the interrogation of the accused MUTO where he stated that in order to accomplish effectively a given mission, the Navy Ministry and War Ministry established a liaison in order to coordinate their efforts and that this liaison was effected through the close association of OKA of the Naval Affairs Bureau and MUTO of the Army Military Affairs Bureau.

PP-6. The key to the power exercised by OKA and MUTO is their control over the budget of the army and Navy. The General Staff could not formulate operational plans unless the War and Navy Ministry provided the men and material.

PP-7. In addition to being Chief of the Naval Affairs Bureau, OKA as Government Commissioner was liaison between the Navy and the Diet; in his capacity as standing follower to the Navy Minister in Imperial Headquarters he was liaison between the Navy and Imperial General Headquarters; he also acted as liaison between the Navy and the Foreign Office, between the Navy and the Imperial Conferences, and between the Navy and the Liaison Conferences.

PP-5. a. Ex. 3468, T. 33307; b. Ex. 2240, T. 16123.  
 PP-6. a. T. 15859-61; b. Ex. 3006, T. 26659; c. T. 16166-7.  
 PP-7. a. t. 33475; b. Ex. 120, T. 753, 756-760.  
 c. T. 33489; d. Ex. 3473, T. 33411.



By virtue of these various activities OKA was able to exercise influence in many spheres of governmental activity and participated in numerous policy-making decisions as will be shown later.

## II. OKA's Participation in the Manchurian Incident.

PP-8. At the time of the outbreak of the Mukden Incident of 18 September 1931, OKA was attached to the Naval General Staff.<sup>a.</sup> On 10 October 1931 he was appointed to serve concurrently in the Navy General Staff and Navy Ministry.<sup>b.</sup> It is submitted that OKA by virtue of his official position as a staff officer shared in the decision to send naval reinforcements to Shanghai in January 1932, and hence bears responsibility for the ensuing clash between the naval landing force and the Chinese troops at the Chapel sector.<sup>c.</sup> That OKA participated in the Manchurian Incident in his capacity as a staff officer is shown by the fact that on 29 April 1934 he was decorated with the Middle Cordon of the Imperial Order of the Rising Sun for meritorious service in the 1931-1934 Incident.<sup>d.</sup>

PP-9. The accused OKA has stated that the decoration did not indicate any participation by him

PP-8. a. Ex. 120, T. 751. c. Ex. 59, T. 3289-91.  
b. Ex. 3473, T. 33381. d. Ex. 120, T. 752.

1 in the conspiracy since at the time he was a member of  
2 Section 2 of Division 1 of the Naval General Staff which  
3 was concerned only with armaments and not military  
4 operations.<sup>a.</sup> However, the Japanese Navy was already  
5 planning to use Manchuria as a spring board for fur-  
6 ther aggression. OKA testified that a naval mission  
7 was established in Manchuria soon after the incident  
8 for the guidance of the Manchukuan Navy. He also  
9 admitted that the Japanese Navy obtained oil from the  
10 Fushun area.<sup>b.</sup> OKA, as a member of Section 2 which  
11 was concerned with armaments, is chargeable with  
12 participation in the planning and execution of these  
13 activities.

14 III. Japan's Abrogation of the Washington  
15 Naval Treaty, Wrecking of the 1936 Naval Disarmament  
16 Conference and Subsequent Secret Re-arming.

17 PP-10. In October 1931 OKA was assigned for  
18 duty in the Investigation Section of the Navy Ministry.  
19 Except for the period from October 1932 to April 1934  
20 when he was a member of the Disarmament Commission of  
21 the Japanese Navy Delegation to the League of Nations,  
22 he remained on duty with the Investigation Section  
23 until December, 1936.<sup>a.</sup> It was this investigation

24 PP-9. a. Ex. 3473, T. 33381.

25 b. T. 33429.

PP-10. a. Ex. 3473, T. 33381-2.

Section which handled matters relating to naval disarmament. OKA was one of the few able disarmament experts in the Japanese Navy and was officer in charge of the Naval Disarmament Section.<sup>b.</sup>

PP-11. During this period from 1932 to 1936 the Japanese Navy conducted a successful campaign to escape from the restraints imposed by the Washington Naval Treaty. The Naval leaders insisted that Japan must demand parity or at least a great increase in relative tonnage at the Conference in 1935, and in September 1933 had built up a feeling of resentment or contempt for anything or anyone connected with the treaty.<sup>a.</sup> In October, 1933, the accused SHIGEMITSU told Baron HARADA that the Navy was demanding equality in armaments, and if this demand was denied would seek to abrogate the Naval Disarmament Treaty even at the risk of a rupture.<sup>b.</sup> The preliminary Naval Disarmament Conference was convened in June, 1934, but Japan's delegates did not arrive until October 1934.<sup>c.</sup> Defense witness INOUE testified that at the Preliminary Naval Disarmament Conference of 1934 the Navy advocated the common upper limit system of disarmament and the

PP-10. b. T. 35515.

PP-11. a. Ex. 58, T. 9179; Ex. 156, T. 1322-3.

b. Ex. 3774-A, T. 37647.

c. Ex. 58 (p. 5), T. 502; Ex. 3011, T. 26782.



abrogation of the Washington Naval Treaty. The Foreign  
 1 Office opposed the Navy plan because it was too sudden  
 2 a leap in view of the international situation and be-  
 3 cause it would give rise to doubts as to the peaceful  
 4 intentions of Japan but due to the persistent objec-  
 5 tion of the Navy, the Foreign Office opinion was over-  
 6 ruled and the Navy plan was adopted as the basic  
 7 policy of Japan at the Disarmament Conference.<sup>d.</sup> The  
 8 accused TOGO confirmed this and testified that as  
 9 Director of the European-Asiatic Bureau he received  
 10 from the Navy the draft instructions to the Japanese  
 11 delegation at the Disarmament Conference based on the  
 12 principle of the common upper limit; that he opposed  
 13 the Navy proposal but was overruled.<sup>e.</sup> Defense witness  
 14 OKADA likewise confirmed the fact that at the time of  
 15 the London Naval Conference of 1934-1935 the Foreign  
 16 Office opposed the position of the Navy and carried on  
 17 heated arguments with the navy over the problem of  
 18 the common upper limit and abrogation of the Washington  
 19 Naval Treaty.<sup>f.</sup>

21 PP-12. Just prior to the London Conference  
 22 of 1935 a document entitled "The Method and Main Points  
 23 of Enlightening Public Opinion in the Preliminary  
 24

25 PP-11. d. Ex. 3625, T. 35496.  
 e. Ex. 3646, T. 35737.  
 f. Ex. 3734, T. 37165.

Negotiations Re 1935 Naval Limitations Conference"

1 and dated October 1934, shows that the Navy Minister  
2 was organizing and diffusing propaganda to insure the  
3 termination of the 1922 and 1930 Naval Treaties. <sup>a.</sup>

4 It is contended that OKA as Chief of the Disarmament  
5 Section of the Navy Ministry and the Navy's leading  
6 expert on naval disarmament participated in the prepa-  
7 ration of this document. As a result of the concerted  
8 pressure of the Navy, on 29 December 1934, Japan gave  
9 notice of her intention to withdraw from the Washington  
10 Naval Treaty, effective 31 December 1936. <sup>b.</sup> On 21

11 August 1935 the accused SHIGEMITSU told Baron HARADA  
12 that the Navy opposed Britain's plan for qualitative

13 limitation of armament on the ground that it was  
14 meaningless without quantitative limitation; the  
15 attitude of the Navy was that it was advantageous

16 never in future to accept limitations from other  
17 countries and the Navy was very touchy in the matter. <sup>c.</sup>

18 Subsequently, the instructions given to the Japanese  
19 delegation to the London Naval Conference on 12 January,  
20 1936, embodied the Navy proposal for a common upper

21 limit in place of the 5-5-3 ratio, <sup>d.</sup> which meant that  
22 unless Britain and America neglected their  
23

24 PP-12. <sup>a.</sup> Ex. 912, T. 9219. <sup>c.</sup> Ex. 3778-A, T. 37672.  
25 <sup>b.</sup> Ex. 942, T. 9416. <sup>d.</sup> Ex. 3011, T. 26815.

responsibilities in other parts of the world, Japan would dominate the Pacific.<sup>e.</sup> Although the instructions were issued in the name of the Foreign Minister<sup>f.</sup> Defense witness INOUE stated that such instructions were given jointly by the Navy Minister and the Foreign Minister.<sup>g.</sup>

PP-13. On 15 January 1936, the Japanese Delegation led by Admiral NAGANO withdrew from the London Naval Conference.<sup>a.</sup> By this action the Japanese Navy had freed itself from any limitation on its expansion. It is submitted that OKA as Chief of the Investigation Section which handled disarmament problems was an essential member of the Navy group which overrode the protests of the Foreign Office and insisted upon the common upper limit and the abrogation of the Washington Naval Treaty as a result of which the London Naval Conference of 1936 was unable to reach any agreement and thus the way was opened for Japan to commence arming for further aggression.

PP-14. After the failure of the 1936 Naval Disarmament Conference, Japan launched an extensive program of naval rearmament the details of which have been fully set forth previously in this summation.

PP-12. e. Ex. 2226, T. 15977.

f. Ex. 3011 (Annex 20), T. 26782. g. T. 35509.

PP-13. a. Ex. 58, T. 9217, Ex. 945, T. 9421.



1 As part of this program Japan laid the keels for two  
2 battleships and three heavy cruisers which exceeded  
3 in tonnage and guns the maximum limits set by the  
4 London Naval Treaty of 1936.<sup>a.</sup>

5 PP-15. Although Japan was not a party  
6 to the 1936 London Naval Treaty the construction of  
7 such capital ships in secret is evidence of Japan's  
8 aggressive intentions, especially when coupled with  
9 the fact that on 12 February 1938 Foreign Minister  
10 HIROTA in answer to a note from Secretary of State  
11 Hull requesting assurances that Japan was not con-  
12 structing nor acquiring any capital ships or cruisers  
13 not in conformity with the London Naval Treaty of 1936,  
14 sent a reply which declined to give the desired infor-  
15 mation.<sup>a.</sup> At exactly the same time that HIROTA was  
16 refusing to join in naval limitation or exchange of  
17 information, the Japanese Government was engaged in  
18 the construction of the above mentioned battleships  
19 and cruisers all of which exceeded the treaty limit.<sup>b.</sup>  
20 The Japanese Foreign Minister tried to persuade the  
21 Navy to agree to the notification of ship construction  
22 on the ground that the Navy would have to make necessary  
23 explanation before the Diet as well as the Finance

24 PP-14. a. Ex. 913, T. 9240; Ex. 917, T. 9253.

25 PP-15. a. Ex. 58, T. 9236.  
b. Ex. 913, T. 9240; Ex. 917, T. 9253.

1 Ministry but the Navy insisted that the maintenance  
2 of secrecy was not impossible in Japan and hence  
3 rejected such notification.<sup>c.</sup> As a result the details<sup>d.</sup>  
4 of the budgets were kept secret from the Diet.  
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PP-15. c. Ex. 3625, T. 35497; Ex. 3646, T. 35737-8.  
d. Ex. 914-A, T. 9247.

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1 PP-16. The purpose of this naval expansion was  
2 stated by the Navy at an Imperial General Headquarters  
3 Council in the Imperial Presence on 18 February 1938,  
4 to be the necessity of preparing against Great Britain  
5 and America.<sup>a.</sup>

6 PP-17. With the exception of one year when OKA  
7 was Commander of the warship "Jingei" from 1 December  
8 1936 to 1 December 1937,<sup>a.</sup> he was attached to the Navy  
9 Ministry during the period prior to October, 1939, and  
10 hence, it is submitted, was one of the Navy group who  
11 continued to insist upon expansion of naval armament.  
12 As Chief of the First Section, Naval Affairs Bureau,  
13 which was in charge of all matters concerning naval  
14 armaments and construction of warships,<sup>b.</sup> and subsequent-  
15 ly as Chief of the entire Naval Affairs Bureau, OKA by  
16 virtue of his official position played an important part  
17 in the naval rearmament of Japan.

18 IV. Secret Fortification of the Mandated  
19 Islands in Violation of Treaty.

20 PP-18. After the termination of the Naval Dis-  
21 armament Treaty and as part of the subsequent naval re-  
22 armament, Japan secretly fortified the Mandated Islands  
23 to implement the general plan of aggression. The details

24 (PP-16. a. Ex. 3272, T. 37262.  
25 PP-17. a. Ex. 120 (page 5), T. 750.  
b. Ex. 75 (page 2), T. 684.)



of the secret fortification have been set forth previously in this summation. In addition to such evidence the prosecution refers to exhibit 3840 introduced as rebuttal evidence.<sup>a.</sup>

PP-19. The accused OKA shares the responsibility for much of the illegal fortification of the Mandated Islands by reason of his official position during this period. As Chief of Section One, Naval Affairs Bureau, from 15 January 1938 to 15 October 1939, OKA's duties included taking charge of matters concerning naval armaments and naval administration in general, construction or organization of warships, matters concerning warships and weapons of war and other munitions in general and matters concerning guarding and defense.<sup>a.</sup> As Chief of the Third Division, Naval General Staff, from 15 October 1939 to 15 October 1940, OKA had charge of gathering and investigating military intelligence<sup>b.</sup> and of collecting and piecing together information on the international situation, the war preparedness conditions and the war preparedness of the major powers.<sup>c.</sup> Subsequently as Director of the Naval Affairs Bureau after 15 October 1940, OKA supervised the activities of the entire Bureau including Section Two which handled

(PP-18. a. Ex. 3840, T. 38115.  
 PP-19. a. Ex. 75 (page 2), T. 684.  
 b. Ex. 3473, T. 33384.  
 c. Ex. 3006, T. 26658.)

matters of national defense policy and international

1 conventions.<sup>d.</sup> The evidence of defense witness YOSHIDA,  
 2 Hidemi, shows that the Naval Affairs Bureau played the  
 3 leading part in rearming the Mandates.<sup>e.</sup> In all three  
 4 of the above positions, OKA is responsible for the  
 5 planning and execution of the fortification of the  
 6 Mandated Islands.

7 V. Economic Exploitation of Greater East Asia.

8 PP-20. From the time OKA became Chief of Sec-  
 9 tion One, Naval Affairs Bureau, on 15 January 1938, he  
 10 took an increasingly large share in the economic exploit-  
 11 ation of the areas conquered by Japan. On 25 January  
 12 1938, he was appointed Secretary of the Bureau of Man-  
 13 churian Affairs and held this position until 21 October  
 14 1939.<sup>a.</sup> On 30 April 1938 OKA was appointed a supporter  
 15 to the Organizing Committee of the North China Develop-  
 16 ment Company, Ltd., and the Central China Development  
 17 Company, Ltd.,<sup>b.</sup> which were formed to accelerate economic  
 18 development in China with one half of the capitalization  
 19 subscribed by the Japanese Government.<sup>c.</sup> Subsequently  
 20 from 18 May 1938 to 23 October 1939, OKA served as a  
 21 secretary of the committee appraising properties  
 22

23 (PP-19. d. Ex. 75 (page 2), T. 684.

e. Ex. 2990, T. 468.

24 PP-20. a. Ex. 120, T. 753-4.

b. Ex. 120, T. 753.

25 c. Ex. 459, T. 5251.)

d.

invested by the China Development Companies.

1 PP-21. The bare assertion by defense witnesses  
2 that the North and Central China Development Companies  
3 were really beneficial to China<sup>a.</sup> is unavailing in view  
4 of the evidence. The accused KAYA stated that the  
5 Development Companies were used by Japan to procure the  
6 war materials needed for the Sino-Japanese hostilities  
7 and to expand the armament of Japan.<sup>b.</sup> OKA shares the  
8 responsibility for the economic exploitation of China.  
9

10 PP-22. From 21 February 1939 to 23 October  
11 1939 OKA served as secretary of the Connecting or  
12 Liaison Committee of the China Affairs Board<sup>a.</sup> which  
13 exercised control over industry, transportation and  
14 economic problems of China through the North China  
15 Development Company and the Central China Development  
16 Company.<sup>b.</sup> From 2 August 1939 until 19 October 1939 he  
17 was secretary of the Overseas Colonization Investigative  
18 Council.<sup>c.</sup> On 29 April 1940 he was decorated with the  
19 4th Class Order of the Golden Kite and the Second Class  
20 Imperial Order of the Sacred Treasure for meritorious  
21 services in the China Incidents.<sup>d.</sup>

22 (PP-20. d. Ex. 120 (page 5), T. 750.

23 PP-21. a. Ex. 2576, T. 21874-81; Ex. 2579, T. 21953.

b. T. 3868-72.

24 PP-22. a. Ex. 120, T. 753-5.

b. T. 35267.

c. Ex. 120, T. 753-4.

25 d. Ex. 120, T. 755.)



1 PP-23. After becoming Chief of the Naval  
 2 Affairs Bureau on 15 October 1940 OKA continued to  
 3 participate in the exploitation of Asia. On 21 November  
 4 1940 he was again appointed a member of the Connection  
 5 or Liaison Committee of the China Affairs Bureau. On  
 6 26 December 1940 he was appointed a Councillor of the  
 7 Bureau of Southern Colonization of the Overseas Affairs  
 8 Ministry, and on 18 January 1941 Councillor of the  
 9 Bureau of Manchurian Affairs. On 9 December 1941 he was  
 10 appointed Chief of the Department of Southern Admini-  
 11 strative Affairs. From 17 March 1942 until 2 April 1942  
 12 he was a member of the Organizing Committee of the  
 13 Southern Development Bank.<sup>a.</sup>

14 PP-24. The formation of the Greater East Asia  
 15 Ministry was proposed by the Planning Board and Premier  
 16 TOJO in January, 1942.<sup>a.</sup> On 21 February 1942 OKA was  
 17 appointed secretary of the Greater East Asia Construction  
 18 Council.<sup>b.</sup> The accused TOGO testified that on 29  
 19 August 1942 he conferred with HOSHINO about a draft of  
 20 the proposal for the Greater East Asia Ministry and ex-  
 21 plained his reasons for opposing the plan. Soon there-  
 22 after, OKA and SATO, the two Chiefs of the Army and Navy  
 23 Military Affairs Bureaus, visited TOGO and after saying

24 (PP-23. a. Ex. 120, T. 756-9.  
 25 PP-24. a. T. 11330.  
 b. Ex. 120, T. 759.)

that the plan was supported equally by the Army and Navy requested him to agree to the plan but TOGO again refused. On 1 September 1942 TOGO resigned as Foreign Minister in protest against the plan.<sup>c.</sup>

PP-25. On 20 and 21 October 1942, OKA attended two meetings of the Investigative Committee of the Privy Council concerning organization of the Greater East Asia Co-Prosperity Sphere in his capacity as Chief of Naval Affairs Bureau.<sup>a.</sup> At the meeting on October 20th in answer to a question from a committee member, OKA stated that the Southern occupied areas in charge of the Navy were principally Borneo, Celebes and New Guinea including Sunda Isles and Dutch Timor.<sup>b.</sup> On 1 November 1942 the Greater East Asia Ministry was established.<sup>c.</sup> The same day OKA was appointed a member of the Connecting or Liaison Committee of the Greater East Asia Ministry, a position he held until 29 December 1944.<sup>d.</sup> In addition, from 22 December 1942 until 21 November 1944 OKA was a member of the committee training essential personnel for Greater East Asia.<sup>e.</sup>

PP-26. In November, 1943, the Assembly of the Greater East Asiatic Nations was held in Tokyo at which

- (PP-24. c. Ex. 3646, T. 35769.  
 PP-25. a. Ex. 687, T. 12093-4.  
 b. Ex. 687 (page 16), T. 12071.  
 c. Ex. 90, T. 684.  
 d. Ex. 120, T. 759; T. 12095.  
 e. Ex. 120 (page 9-11), T. 750.)

that the plan was supported equally by the Army and Navy requested him to agree to the plan but TOGO again refused. On 1 September 1942 TOGO resigned as Foreign Minister in protest against the plan.<sup>c.</sup>

PP-25. On 20 and 21 October 1942, OKA attended two meetings of the Investigative Committee of the Privy Council concerning organization of the Greater East Asia Co-Prosperity Sphere in his capacity as Chief of Naval Affairs Bureau.<sup>a.</sup> At the meeting on October 20th in answer to a question from a committee member, OKA stated that the Southern occupied areas in charge of the Navy were principally Borneo, Celebes and New Guinea including Sunda Isles and Dutch Timor.<sup>b.</sup> On 1 November 1942 the Greater East Asia Ministry was established.<sup>c.</sup> The same day OKA was appointed a member of the Connecting or Liaison Committee of the Greater East Asia Ministry, a position he held until 29 December 1944.<sup>d.</sup> In addition, from 22 December 1942 until 21 November 1944 OKA was a member of the committee training essential personnel for Greater East Asia.<sup>e.</sup>

PP-26. In November, 1943, the Assembly of the Greater East Asiatic Nations was held in Tokyo at which

(PP-24. c. Ex. 3646, T. 35760.

PP-25. a. Ex. 687, T. 12093-4.

b. Ex. 687 (page 16), T. 12071.

c. Ex. 90, T. 684.

d. Ex. 120, T. 759; T. 12095.

e. Ex. 120 (page 9-11), T. 750.)



representatives of the so-called independent nations of  
 1 China, Thailand, Manchukuo, the Philippines and Burma  
 2 met with representatives of Japan. OKA attended this  
 3 assembly which concluded with the adoption of a Joint  
 4 Declaration of Basic Principles.<sup>a.</sup>

5 PP-27. The purpose of the establishment of  
 6 Greater East Asia was to extend Japan's sphere of domi-  
 7 nation over East Asia and provide important sources of  
 8 raw materials for her.<sup>a.</sup> The ordinance establishing the  
 9 Greater East Asia Ministry indicates that the entire  
 10 East Asia Sphere was to be treated as a colonial posses-  
 11 sion of Japan.<sup>b.</sup>

12 PP-28. It is submitted that OKA's participation  
 13 throughout his career in the economic exploitation of  
 14 the conquered areas of Asia as shown by the various  
 15 official positions held by him, leads to the inescapable  
 16 conclusion that he was not just a Naval officer carrying  
 17 out his routine duties but a wholehearted supporter of  
 18 Japan's military aggression in China and the South Seas.

20 VI. OKA's Political Activities.

21 PP-29. OKA's personal part in the conspiracy  
 22 arises from the fact that from the time he became Chief  
 23 of Section One, Naval Affairs Bureau, he was increasingly  
 24 involved in responsibility for affairs of state. OKA

25 (PP-27. a. T. 11343.  
 b. Ex. 687, T. 12087.)  
 PP-26. a. Ex. 1346, T. 12098-100.)

1 testified that there was no basis for the rumor that he  
2 had power and influence among a so-called group.<sup>a.</sup> This  
3 is flatly contradicted by the evidence. Even before he  
4 was appointed Chief of the Naval Affairs Bureau he had  
5 become a member of the young officers' clique which was  
6 meddling in politics and usurping the functions of the  
7 civil authorities. Upon cross-examination OKA admitted  
8 that in June, 1938, as Chief of Section One, he had  
9 weekly meetings with General KAGESA of the Military  
10 Affairs Bureau and KISHI, the secretary to Premier KONOYE  
11 for the purpose of exchanging information concerning the  
12 China Affair, and hearing explanations and reports with  
13 regard to China from KAGESA who was a China expert.<sup>b.</sup>  
14 KAGESA at that period was engaged in an intrigue involv-  
15 ing Kao and Tung, former officials of China's Foreign  
16 Ministry, who were brought to Tokyo to meet KAGESA and  
17 proposed that Wang Chiang-wei should sue for peace on  
18 behalf of China.<sup>c.</sup> It is apparent that OKA was involved  
19 in this intrigue through his weekly meetings with KAGESA.  
20 The evidence shows that OKA was utilizing his position  
21 as Chief of Section One to participate in schemes by the  
22 young Officers' group relating to the China Affair as  
23 early as June, 1938. Thus, at an early date, he was

24 (PP-29. a. T. 33423.  
25 b. T. 33463.  
c. Ex. 2721-A, T. 23978.)

involved both from a military and a political point of view in the general conspiracy.

PP-30. Again, on 30 August 1938, OKA, as Chief of Section One, and KAGESA, as Chief of Army Military Affairs Section, held a conference at which plans for the capture of Canton by the Army and Navy were considered, and it was tentatively decided that since the capture of Canton was only the application of overall policies it could be carried out without prior consideration by the Five Ministers' Conference.<sup>a.</sup> It was also decided at this conference that since the Canton operation was an action lying purely and simply within the Supreme Command Sphere, a decision to leave the formal decision of policy to the Five Ministers' Conference might give rise to the charge that the prerogative of the Supreme Command had been violated.<sup>b.</sup> On cross-examination OKA stated that he did not remember this conference with KAGESA and did not think it took place because such matters as the capture of Canton were outside the scope of his duties. When the official record of the conference was shown to him he stated that he had no recollection whatsoever concerning it.<sup>c.</sup> The prosecution submits that OKA's denial of recollection of a matter as

(PP-30. a. Ex. 3874, T. 37433.  
b. Ex. 3474, T. 37434.  
c. T. 33465-8.)



1 important as this conference relating to the capture of  
2 Canton is not entitled to credence. It is apparent from  
3 the evidence, which is controverted solely by the un-  
4 supported denial of the accused himself that OKA was  
5 using his official position to encourage aggressive  
6 tactics by the Army and Navy in China and to prevent  
7 the political government of Japan from exercising its  
8 proper function.

9 PP-31. On 3 July 1938 the Five Ministers'  
10 Conference decided Japan's whole strength should be con-  
11 centrated upon bringing about the destruction or sur-  
12 render of the Central Government of China.<sup>a.</sup> In order  
13 to carry out the above policy the Five Ministers' Con-  
14 ference on 7 October 1938 established a secret Liaison  
15 Committee whose purpose was to accelerate the performance  
16 of matters agreed upon by the Five Ministers' Conference  
17 in relation to the disposal of the situation in China.<sup>b.</sup>  
18 The secret Liaison Committee was composed of eight  
19 members among whom were the Chief of the Naval Affairs  
20 Bureau and the Chief of Section One of the Naval Affairs  
21 Bureau. Among the four secretaries of the secret com-  
22 mittee was the Chief of Section One of the Naval Affairs  
23 Bureau. Hence the Naval Affairs Bureau had two members  
24

25 (PP-31. a. Ex. 3457, T. 37352.  
b. Ex. 3457, T. 37364.)

c. on the committee and one on the secretariat. OKA in  
1 his capacity as Chief of Section One, Naval Affairs  
2 Bureau, was both a member and a secretary of the Liaison  
3 Committee. The importance of the secret Liaison Commit-  
4 tee is shown by the fact that its main functions were  
5 to determine the outline of concrete execution by way  
6 of acceleration of the performance of matters decided  
7 by the Conference of Five Ministers and to transfer them  
8 to each government office concerned, to agree on the  
9 agenda to be introduced to the Conference of Five Mini-  
10 sters and to introduce matters which the Third Committee  
11 for China desire to present to the Five Ministers' Con-  
12 ference. The decision of the Five Ministers' Conference  
13 which established the secret Liaison Committee stated  
14 that the Committee was to be abolished when the China  
15 Affairs Board was established.<sup>d.</sup> However, it appears  
16 that a similar Connecting or Liaison Committee was sub-  
17 sequently established in connection with the China  
18 Affairs Board. OKA, in his capacity as Chief of Section  
19 One, Naval Affairs Bureau, was appointed Secretary to  
20 this Connecting Committee of the China Affairs Board on  
21 21 February 1939.<sup>e.</sup> Shortly after he became Chief of  
22 the Naval Affairs Bureau, he was again appointed a  
23  
24

25 (PP-31. c. Ex. 3457, T. 37365.  
d. Ex. 3457 (page 16), T. 37350.  
e. Ex. 120, T. 753.)

member of the Connecting Committee of the Bureau of  
 1 China Affairs on 21 November 1940,<sup>f.</sup> and of its succes-  
 2 sor, the Greater East Asia Ministry on 1 November 1942.<sup>g.</sup>

3 PP-32. On 9 February 1940 OKA received a  
 4 decoration from the Nazi Government.<sup>a.</sup> If this was not  
 5 in connection with his efforts to bring about the Tri-  
 6 partite Pact which was then being negotiated it was at  
 7 least in recognition of the fact that he was favorably  
 8 disposed toward Nazi Germany. Furthermore, OKA's  
 9 statement that he had nothing to do with the Tripartite  
 10 Pact<sup>b.</sup> is contradicted by the admitted fact that on 23  
 11 January 1941 he was appointed an Imperial Member of the  
 12 German-Italian-Japanese Mixed Experts Committee provided  
 13 for by Article IV of the Tripartite Pact<sup>c.</sup> which had the  
 14 purpose of strengthening and executing the Tripartite  
 15 Pact.<sup>d.</sup>

17 PP-33. After OKA became Chief of the Naval  
 18 Affairs Bureau his political activities were enhanced.  
 19 The accused MUTO who was Chief of the Army Military  
 20 Affairs Bureau testified that although the Imperial  
 21 Rescript of 1882 admonished military men not to inter-  
 22 vene in politics, the War Minister was forced to take  
 23

24 (PP-31. f. Ex. 120, T. 756.

g. Ex. 120, T. 759.

25 PP-32. a. T. 33453.

b. T. 33417.

c. Ex. 120, T. 757.

d. Ex. 559, T. 6417-20.)



part in politics because he attended the Cabinet Conference as a state minister and must carry out the decision of the Cabinet. The Military Affairs Bureau was the political machinery through which this was done. Its function was to carry out political affairs but not in politics itself.<sup>a.</sup> The Naval Affairs Bureau fulfilled

the same function with respect to the Navy Minister. Defense witness HOSHINA, Zenshiro, testified that when necessary to negotiate with outsiders in handling matters within its jurisdiction, it was customary for the Navy Minister to do so through the Naval Affairs Bureau and for that reason the Chief of the Naval Affairs Bureau, as a matter of convenience in maintaining liaison, was frequently appointed councillor or member of the various committees.<sup>b.</sup> As a result OKA shortly after becoming

Chief of the Naval Affairs Bureau was appointed a member of the Board of Admirals, standing follower to the Navy Minister in the Imperial Headquarters, secretary of the National General Mobilization Council, councillor of the Cabinet Planning Board, member of the Connecting Committee of the China Affairs Bureau, councillor of the Bureau of Southern Colonization of the Overseas Affairs Ministry,<sup>c.</sup> and councillor of the Bureau of Manchurian Affairs.

(PP-33. a. Ex. 3454, T. 33122.  
b. Ex. 2737, T. 33307.  
c. Ex. 120, T. 755-7.)

1 In January 1939, while Chief of Section One he had been  
2 appointed a Government Commissioner on matters related  
3 to the Navy Ministry in the Diet and he was reappointed  
4 to this position annually until 1943.<sup>d.</sup> It is to be  
5 noted that Section Four of the Naval Affairs Bureau had  
6 charge of all matters concerning the dissemination of  
7 knowledge relating to national defense and matters con-  
8 cerning the guidance of organizations connected with  
9 naval affairs.<sup>e.</sup>

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25 (PP-33. d. T. 33475.  
e. Ex. 75 (page 2), T. 684.)

1 PP-34. It is apparent that OKA's duties  
 2 in liaison matters were wide and diversified. His  
 3 bare statement that, as Director of the Naval Affairs  
 4 Bureau he received orders from the Navy Minister  
 5 and carried out routine functions and was never in  
 6 a position to assume any independent responsibility  
 7 vis-a-vis outside contacts<sup>a.</sup> is contradicted by the  
 8 evidence. Defense witness HOSILNA, Zenshiro testified  
 9 that the Chief of the Naval Affairs Bureau drafts  
 10 plans for matters within his functions and submits  
 11 them to the Navy Minister for his approval.<sup>b.</sup> It is  
 12 obvious that such duties permitted the exercise of  
 13 considerable discretion and enabled OKA to become  
 14 the active instigator and participant in the establish-  
 15 ment of policies furthering the conspiracy as will be  
 16 shown subsequently.

17 PP-35. On cross-examination OKA stated that  
 18 there is no instance of the Navy engaging in positive  
 19 activities with reference to the IRAA.<sup>a.</sup> In early  
 20 February, 1941, the accused MUTO as a councillor of  
 21 IRAA stated that the Army and Navy would fully cooperate  
 22 with the association in the future as in the past. He  
 23 represented both the Army and Navy in speaking before  
 24 PP-34. a. Ex. 3473, T. 33,386 b. Ex. 3468, T. 33,305  
 25 PP-35. a. T. 33,477



1                   b.  
the IRAA.       and hence must be deemed to have  
2 represented the views of OKA who was also a councillor  
3 of the IRAA.       c.

4                   PP-36. On 4 April 1941 OKA as Chief of the  
5 Naval Affairs Bureau made an interim report to Premier  
6 KONOYE concerning the proposal by KONOYE to have  
7 Vice Navy Minister TOYODA accept a position in the  
8 new Cabinet as Minister of Commerce and Industry to  
9 counter balance the appointment of Lieutenant General  
10 SUZUKI as President of the Planning Board. OKA  
11 reported that the matter as still difficult to realize  
12 and KONOYE requested that he ask the Navy Minister to  
13 try once more to persuade TOYODA.       a.  
14 OKA acted as liaison between the Navy Minister and the  
15 Premier on the matter of forming a new cabinet in  
16 which the proper balance between Army and Navy should  
17 be preserved.  
18

19                   PP-37. As late as July, 1944, OKA acted  
20 as spokesman for the Navy in trying to bolster up  
21 the TOJO Cabinet. An entry in KIDO's Diary for 17  
22 July 1944 relates the discussions pertaining to a  
23 reorganization of the cabinet and shows that OKA had  
24 attempted to induce Admiral YONAI to accept a cabinet

25       PP-35.       b. T. 33,266  
                  "       c. T. 33,477  
      PP-36.       a. Ex. 3216-A, T. 29,176

a.  
position in a last effort to save the Cabinet.

1 Defense witness NOMURA, Naokuni, stated that as Navy  
2 Minister in July, 1944, he ordered OKA to sound out  
3 YONAI as a prospective cabinet member and that OKA  
4 acted solely under his orders. Even if true, this  
5 does not alter the fact that as usual in such cases  
6 OKA was the official chosen to represent the Navy  
7 in political negotiations.  
8

9 PP-38. It is submitted that OKA was not  
10 just a military puppet carrying out the orders of  
11 his superior officers. He was one of the young officers  
12 who continually pushed the Japanese Government forward  
13 on the path of aggression. He played a large part in  
14 helping the Japanese military to encroach on the  
15 power of the civil authorities. Even though OKA  
16 was subject to orders from the Navy Minister his  
17 position as liaison representative of the Navy in  
18 political matters enabled him to exert great influence  
19 over events. As will be shown later his influence  
20 was always exerted in furtherance of the aggressive  
21 aims of the conspiracy.  
22

23 VII. OKA's Participation in the Conspiracy  
24 as a Member of Imperial and Liaison Conferences and  
25 Privy Council Meetings.

PP-37. a. Ex. 1277, T. 11,372; Ex. 1278, T. 11,377

PP-39. From the time when OKA became Chief of the Naval Affairs Bureau he participated in many policy making decisions by reason of his attendance at Imperial and Liaison Conferences and Privy Council Meetings. He testified that during the period he was Director of the Naval Affairs Bureau he attended the Imperial and Liaison Conferences and Investigative Committee meetings of the Privy Council with the exception of three or four times when he was ill.<sup>a.</sup> The evidence shows that he attended all four of the Imperial Conferences during the crucial year 1941, namely the conferences held on 2 July, 6 September, 5 November and 1 December 1941.<sup>b.</sup> From January to July 1941, OKA attended twenty-four Liaison Conferences.<sup>c.</sup> In view of his statement that he was absent only three or four times in all<sup>d.</sup> he must have attended on equal number during the second half of 1941.

PP-40. OKA testified that he attended the Imperial and Liaison Conferences as secretary and the Investigation Committee meetings of the Privy Council as explainer and did not participate in the discussions

PP39. a. Ex. 3473, T. 33,411  
 " b. Ex. 1107, T. 10,140  
 " c. Ex. 1103, T. 10,056-64  
 " d. Ex. 3-73, T. 33,431



1 or exercise the right to vote.<sup>a.</sup> This is contradicted  
 2 by the evidence of the Japanese Central Liaison Office  
 3 that OKA was present at Imperial Conferences together  
 4 with MUTO and TOMITA as a Secretary of the Conference  
 5 for the purpose of giving explanations concerning the

6 bills<sup>b.</sup> which shows that he participated in the  
 7 discussions. Further evidence that OKA actually  
 8 participated in the discussions is found in the record  
 9 of the Investigation Committee meeting of 20 October  
 10 1942 where he joined in a discussion with another  
 11 committee member as to what occupied areas in the  
 12 South were to be in charge of the Navy.<sup>c.</sup>

13 PP-41. An example of OKA's attempt to  
 14 evade responsibility is the fact that he testified  
 15 that he attended meetings of the Investigation  
 16 Committee of the Privy Council only as an explainer  
 17 and did not participate in the decisions of the  
 18 Committee.<sup>a.</sup> It is to be noted however that in at  
 19 least one case of which we have record the meeting  
 20 of the Investigation Committee on 28 July 1941 was  
 21 followed a few hours later on the same day by a meeting  
 22 of the Privy Council itself which unanimously ratified

24 PP-40. a. Ex. 3473, T. 33,411  
 " b. Ex. 1107, T. 10,140  
 25 " c. Ex. 687, (page 16), T. 12,071  
 PP-41. a. T. 33,414

the protocol concerning military cooperation of Japan  
 1 and French Indo-China.<sup>b.</sup> Unlike the prior Investigation  
 2 Committee meeting where all explainers were asked to  
 3 retire before the decision was reached, OKA did not  
 4 retire from the Privy Council meeting and was present  
 5 when all members signified their unanimous consent by  
 6 standing up;<sup>c.</sup> accordingly, OKA must share in the  
 7 responsibility for such decision.

8 PP-42. OKA's statement that he attended  
 9 meetings of the Investigation Committee of the Privy  
 10 Council "only in the company of the Navy Minister as  
 11 explainer...in order to submit materials which he  
 12 needed"<sup>a.</sup> is a further example of his outright  
 13 mendacity in attempting to evade responsibility. It  
 14 is sufficient to point out that on at least two occasions  
 15 of which we have record he attended a meeting of the  
 16 Investigation Committee of the Privy Council at which  
 17 the Navy Minister was not present. The first such  
 18 instance was on October 1942 when the Investigation  
 19 Committee met to consider matters concerning the  
 20 establishment of the Greater East Asia Ministry.<sup>b.</sup> The  
 21 second was on 18 August 1943 when the Investigation  
 22 Committee met and unanimously approved the draft of the  
 23

24 PP-41. b. Ex. 650, T. 7074  
 25 " c. Ex. 650, (page 7) T. 7074  
 PP-42. a. T. 33,414  
 " b. Ex. 687, T. 12,094

1 treaty between Japan and Thailand concerning the  
 2 annexation of Malay territory by Thailand.<sup>c.</sup> At  
 3 both of these meetings SHIMADA was absent and OKA  
 4 was the sole representative of the Navy who was  
 5 present.

6 PP-43. Similarly, as to Liaison Conferences,  
 7 OKA himself testified that he attended in order to  
 8 make explanations and supply information.<sup>a.</sup> It is  
 9 obvious that this enabled him to exert considerable  
 10 influence on the decisions made at such conferences.  
 11 This is confirmed by defense witness YAMAMOTO, Kumaichi,  
 12 former Chief of the American Affairs Bureau of the  
 13 Foreign Office who testified that MUTO and OKA as  
 14 secretaries of the Liaison Conferences, took charge  
 15 of preparation, explanation and adjustment of the  
 16 draft and collection of materials. The draft on  
 17 military matters was done by the Army or Navy or the  
 18 Supreme Command.<sup>b.</sup> Further confirmation was given by  
 19 TOGO on cross-examination when he admitted that HOSHINO,  
 20 MUTO and OKA in their capacity as secretaries explained  
 21 the various plans and proposals submitted and participated  
 22 in the debates in the conferences.<sup>c.</sup>  
 23

24 PP-42. c. Ex. 1275, T. 11,304  
 25 PP-43. a. Ex. 3473, T. 33,412  
 " b. Ex. 3444, T. 33,017  
 " c. T. 36,084



Fr-44. The Liaison Conferences dated from  
 1 the time of the first KONOYE Cabinet when it became  
 2 necessary to establish some liaison between the  
 3 Military High Command and the Cabinet. They had no  
 4 constitutional existence and their decisions in a  
 5 formal sense had no weight but since the decisions  
 6 were treated at the time as binding upon those present,  
 7 in practice they had great weight.<sup>a.</sup> TOGO's testimony  
 8 as to the Liaison Conferences is very significant:-

9 "Since the Army and Navy Vice Chiefs of  
 10 Staff were almost always in attendance before the  
 11 war and since of the three secretaries (Chief Secretary  
 12 of the Cabinet, secretaries of Military and Naval  
 13 Affairs Bureaus) two were military men, it can be  
 14 seen how strong the military influence in the conference  
 15 was. Indeed, the fact of the establishment of such a  
 16 conference is proof of the fact that the military  
 17 authorities were not only interfering in politics  
 18 but were exercising such influence as to control and  
 19 direct the national policy, and that some coordination  
 20 was needed, but while the military members of the  
 21 Liaison Conference exercised great influence in the  
 22 affairs of state, the civilian members exercised  
 23 very little or none on military affairs, and were  
 24  
 25 Fr-44. a. Ex. 3646, T. 35,677

not allowed even knowledge of military operations.

1 Decisions of the Liaison Conference involving affairs  
2 of state had of course to be presented to the Cabinet -  
3 and, in proper case, to an Imperial Conference - but  
4 in almost no instance did such a decision fail to  
5 pass through the Cabinet in the form in which the  
6 Conference had adopted it. Of course drafts of the  
7 decisions of the Liaison Conference were always  
8 prepared beforehand - the matters examined by the  
9 staffs of the ministers concerned and coordinated  
10 by the three secretaries before they were submitted  
11 to the Conference...<sup>b.</sup>  
12

13 PP-45. It can be seen from this that OKA  
14 and MUTO as the liaison officers between the Army and  
15 Navy had come to occupy a position of paramount  
16 importance. Their duties as stated by the accused  
17 MUTO were to avoid any misunderstanding of action and  
18 to coordinate the efforts of both the Army and Navy  
19 together with the Premier, Foreign Minister, and  
20 Finance Minister.<sup>a.</sup>

21 VIII. Japan's March to the South.

22 PP-46. During the period when OKA was  
23 attached to the Naval General Staff, and Naval Affairs

24 PP-44. b. Ex. 3646, T. 35,678-9

25 PP-45. a. Ex. 2240-A, T. 16,123

1 Bureau, he was a member of the over-all conspiracy  
2 which planned and executed the expansion and aggression  
3 of Japan toward the south.

4 PP-47. On 26 July 1940 the second KONOYE  
5 Cabinet defined Japan's basic national policy according  
6 to which Japan was to construct a new order of Greater  
7 East Asia built upon the firm solidarity of Japan,  
8 Manchukuo and China with Japan as the center.<sup>a.</sup>

9 PP-48. Pursuant to this policy Japan made  
10 demands on France for the passage of Japanese troops  
11 through the province of Tongking in northern French  
12 Indo-China, the use of airfields in Tongking and the  
13 stationing of troops and provision for the transportation  
14 of arms and ammunition. The ultimatum warned that if  
15 no immediate reply was received, Japan would resort  
16 to the use of force. The French Ambassador stated  
17 that acceptance of these demands would be the equivalent  
18 of a declaration of war by France against China.<sup>a.</sup>

19 PP-49. Navy participation in this matter  
20 is shown by defense witness ABE, Katsue, who testified  
21 that as Chief of the Naval Affairs Bureau, from October,  
22 1939, to October, 1940, he represented the Navy in  
23 conferences with the Army and Foreign Office as to  
24

25 PP-47. a. Ex. 541, T. 6271

PP-48. a. Ex. 620, T. 6886-7



a.  
securing the cooperation of French Indo-China.

1 Further evidence that the plan for the South Seas  
2 involved ultimately the use of military operations is  
3 evident from the statement of 10 August 1940 by  
4 Prince FUSHIMI, Chief of the Naval General Staff,  
5 to the Emperor that the Navy wished at present to  
6 avoid the use of force against the Netherlands Indies  
7 and Singapore and that, since at least eight months  
8 were needed for preparation after a decision for war  
9 was made, the later war came the better. b.

10 This made  
11 it apparent that Japan would resort to war to achieve  
12 her aims in the south when preparations were complete.

13 PP-50. On 22 September 1940 the Japanese  
14 Army started the attack on the Tongking border  
15 constituting the first act of military aggression by  
16 Japan against French Indo-China. On the following day  
17 French Indo-China yielded to force and agreed to the  
18 Japanese Army and Navy terms a. including the right to  
19 station 32,000 troops in Indo-China b. and to anchor  
20 one warship in Haiphong Harbor. c.

21  
22 PP-49. a. Ex. 3015, T. 26,871  
" b. Ex. 1298, T. 11,718  
23 PP-50. a. Ex. 620, T. 6933; Ex. 621, T. 6830  
" b. Ex. 625, T. 6969-70  
24 " c. Ex. 620, T. 6951-2

25 THE PRESIDENT: We will adjourn until half-  
past one.

(Whereupon, at 1200, a recess was taken.)

## AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Commander Cole.

COMMANDER COLE: If the Tribunal please,  
continuing with paragraph 51:

PP-51. By virtue of his official position  
as Chief of Division Three, Naval General Staff,  
from 15 October 1939 to 15 October 1940, OKA is  
chargeable with participating in the planning and  
execution of this military advance into Indo-China.  
The accused OKA admitted that the Naval General  
Staff handled operation plans<sup>a</sup> but claimed that  
Division Three of Naval General Staff had charge of  
gathering and investigating military intelligence  
and was not connected with operations.<sup>b</sup> However,  
it appears that OKA was also a member of Naval  
Staff in Imperial Headquarters<sup>c</sup> and as such he is  
responsible for the move into Indo-China. Also as  
Chief of Division Three OKA is responsible for setting

PP-51.

a. Ex. 3473, T. 33415.

b. Ex. 3473, T. 33384.

c. Ex. 120(6), T. 750.

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1 up the Naval espionage organization which was later  
 2 shown to be functioning in the South Seas in  
 3 October, 1941.<sup>d.</sup>

4 PP-52. On 25 October 1940 Delegate SAITO's  
 5 secret telegram at Batavia to Foreign Minister  
 6 MATSUOKA betrayed that the real purpose behind Japan's  
 7 efforts to lease oil fields in Indonesia was to  
 8 establish military bases "from the point of view of  
 9 military operations against the Dutch."<sup>a.</sup> That OKA  
 10 participated in this southward advance of Japan is  
 11 further shown by the fact that he was appointed  
 12 secretary of the Overseas Colonization Investigation  
 13 Council on 2 August 1939,<sup>b.</sup> and together with MUTO  
 14 became Councillor of the Bureau of Southern Coloniza-  
 15 tion, Overseas Affairs Ministry on 26 December 1940.<sup>c.</sup>  
 16 Also, on 17 March 1942 he and MUTO were both appointed  
 17 members of the Organizing Committee of the Southern  
 18 Development Bank.<sup>d.</sup>

19  
 20 PP-53. A Liaison Conference was held on  
 21 13 January 1941 which was attended by OKA as Chief  
 22 of the Naval Affairs Bureau and MUTO as Chief of the

23 PP-51.

24 <sup>d.</sup> Ex. 1325, T. 11885.

25 PP-52.

<sup>a.</sup> Ex. 1316, T. 11835-6.

<sup>b.</sup> Ex. 120, T. 753.

<sup>c.</sup> Ex. 120, T. 756; Ex. 118, T. 745.

<sup>d.</sup> Ex. 120, T. 759; Ex. 118, T. 746.



1 Army Military Affairs Bureau.<sup>a</sup> The presence of OKA  
 2 and MUTO at this and a great many other Liaison  
 3 Conferences is indicative of their active collabora-  
 4 tion. There is no evidence of what took place at  
 5 this Conference other than an "exchange of views"<sup>b</sup>.  
 6 but it may be inferred that the conference decided  
 7 to authorize the preparation of military currency to  
 8 be used in certain unspecified areas since three days  
 9 later on 16 January 1941 the War Ministry requested  
 10 that such currency plates be prepared at once.<sup>c</sup>

11 PP-54. That Japan's interest in Indo-China  
 12 and Thailand was entirely military was made apparent  
 13 in the Liaison Conference of 30 January 1941, attended  
 14 by both OKA and MUTO<sup>a</sup> which decided the policy toward  
 15 French Indo-China and Thailand.<sup>b</sup> The main outline  
 16 of this policy as shown by an entry in KIDO's Diary  
 17 was to establish Japan's leading position in Indo-  
 18 China and Thailand by utilizing the fact that these  
 19 countries had accepted Japan's arbitration proposal  
 20 to contribute to the preparations for the southward  
 21 policy; as part of these preparations the Navy con-  
 22 templated the use of Camranh Bay and the air bases

24 PP-53.

25 a. Ex. 1103, T. 10056.  
 b. Ex. 1103, T. 10056.  
 c. Ex. 852, T. 8451.

PP-54.

a. Ex. 1103, T. 10058.  
 b. Ex. 1303, T. 11744;  
 Ex. 3658, T. 36231.

1 Army Military Affairs Bureau.<sup>a</sup> The presence of OKA  
 2 and MUTO at this and a great many other Liaison  
 3 Conferences is indicative of their active collabora-  
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PP-54.

a. Ex. 1103, T. 10058.  
 b. Ex. 1303, T. 11744;  
 Ex. 3658, T. 36231.

1 near Saigon. As the real purpose could not be stated  
 2 openly, it was decided to disguise them as "preserva-  
 3 tion of trade and communications" and "security  
 4 against war between Indo-China and Thailand."<sup>c.</sup> The  
 5 evidence of KIDO's Diary in this point is confirmed  
 6 by defense exhibit 3658 which purports to be the  
 7 actual decision of the Liaison Conference and states  
 8 that if unavoidable Japan will resort to arms against  
 9 French Indo-China.<sup>d.</sup>

10 PP-55. That OKA was in favor of this policy  
 11 of using so-called arbitration to exert pressure in  
 12 achieving the southward advance is further shown by  
 13 the fact that on 6 February 1941 he was appointed a  
 14 follower to the Imperial Commissioner arbitrating  
 15 the dispute on the border between Siam and Indo-China.<sup>a.</sup>  
 16 The conduct of Japan in this arbitration proceeding  
 17 was such as to lead British Ambassador Craigie to  
 18 inquire of MATSUOKA whether Japan did not expect  
 19 exorbitant compensation for acting as mediator in the  
 20 Siam-French Indo-China dispute.<sup>b.</sup>

22 PP-56. On 3 February 1941 OKA and MUTO  
 23 attended a Liaison Conference<sup>a.</sup> which arrived at a

24 PP-54.

25 c. Ex. 1303, T. 11744-5.  
 d. Ex. 3658, T. 36231.

PP-56.

a. Ex. 1103,  
 T. 10058.

PP-55.

a. Ex. 120, T. 757.  
 b. Ex. 1046, T. 9813.



1 decision to be used as instructions or references  
2 by MATSUOKA in his negotiations with Germany, Italy  
3 and the Soviet Union during his European visit.<sup>b.</sup>  
4 The document provided that Japan would be the political  
5 leader in the Greater East Asia Co-prosperity Sphere  
6 and would be responsible for the maintenance of  
7 order in those areas. The people living in those  
8 areas, in principle, should maintain independence  
9 or be made independent, but the people in the  
10 districts now in the possession of Britain, France,  
11 Holland, Portugal and others, who are incapable of  
12 being independent, were to be permitted to have as  
13 much self-government as possible in accordance with  
14 their ability under the guidance of Japan. Economic-  
15 ally, Japan would reserve preference over the  
16 defense resources of those districts but in other  
17 commercial enterprises the Empire would adopt the  
18 principle of open door and equal opportunity. Accord-  
19 ing to this document, the world was to be divided into  
20 four great blocs among which were the Greater East  
21 Asia bloc under Japan and the European bloc (including  
22 Africa) under Germany.<sup>c.</sup>

24 PP-57. On 24 March 1941 a report to Ribbentrop

25 PP-56.

b. Ex. 3657, T. 36213.

c. Ex. 3657, (page 2), T. 36213.

1 from Ott concerning military preparations in Japan  
2 stated that the Navy was vigorously preparing for  
3 an attack on Singapore; preparations were expected  
4 to be concluded by the end of May.<sup>a</sup> In April 1941,  
5 Imperial Headquarters decided upon an Army and Navy  
6 policy concerning measures to be taken in the South  
7 and stated that in certain circumstances it would be  
8 necessary to resort to arms in carrying out national  
9 policy in the South.<sup>b</sup> OKA as a member of the  
10 Department of Naval Preparedness Examination, Imperial  
11 Headquarters and also as an assistant to the Navy  
12 Minister in Imperial Headquarters<sup>c</sup> shares the  
13 responsibility for this decision.

14 PP-58. In April 1941 the Planning Board  
15 issued a confidential pamphlet entitled "Outline of  
16 Fundamental National Policies" which included a  
17 Cabinet decision of 22 January 1941 relating to the  
18 fundamental principles of Japan's population policy.  
19 The plan stated that it was the mission of the Empire  
20 to establish the East Asia Co-prosperity Sphere and  
21 to accomplish this mission it was necessary to increase  
22 the population quickly, enhance its quality and to

24 PP-57.

a. Ex. 576, T. 6478.

b. Ex. 1305, T. 11751.

c. Ex. 120 (page 6), T. 750.

1 correct distribution of Japanese emigrants to  
 2 secure leadership over the races of East Asia.<sup>a</sup> OKA  
 3 as a Councillor of the Planning Board on this date  
 4 shares the responsibility for this document.

5 PP-59. The invasion of the Soviet Union by  
 6 Germany on 22 June 1941 accelerated the Japanese move  
 7 to the South. Three days later, on 25 June 1941,  
 8 OKA and MUTO attended a Liaison Conference which  
 9 adopted as official policy that a military union  
 10 should be established with Indo-China as soon as  
 11 possible which would stress the establishment or  
 12 use of air bases and harbor facilities in certain  
 13 areas in Indo-China and the stationing of troops in  
 14 the Southern part. Failing that, it was decided  
 15 that Japan would attain her objective by force, for  
 16 which preparations would be made in advance.<sup>a</sup> OKA  
 17 admitted attending a Liaison Conference which dis-  
 18 cussed such matters.<sup>b</sup> On 2 July 1941 this accelerated  
 19 program received official sanction in the Imperial  
 20 Conference which decided that Japan should adhere  
 21 to the principle of establishing a Greater East Asia  
 22 Co-Prosperity Sphere and should step up the southward  
 23 advance. Japan should accomplish the execution of

25 PP-58.

a. Ex. 865, T. 8807-10;  
 Ex. 1067, T. 9879-82.

PP-59.

a. Ex. 1306, T. 11753.  
 Ex. 1095, T. 10027.  
 b. T. 33490.



the schemes against French Indo-China and Thailand  
 and for this purpose preparations should be made for  
 a war with Britain and the United States.<sup>c.</sup> OKA  
 attended this meeting of the Imperial Conference.<sup>d.</sup>

PP-60. On 7 July 1941 at the request of the  
 accused MUTO a draft of reply material was submitted  
 to the Foreign Office for use by Ambassador NOMURA  
 in replying to questions of the United States Govern-  
 ment concerning the French Indo-China problem. In-  
 cluded in this document were draft instructions from  
 the Navy stating that it was quite dangerous if the  
 matters especially as regards the North leaked through  
 to the United States too early.<sup>a.</sup>

PP-61. Pursuant to the decision of the  
 Imperial Conference on 2 July, Japan presented its  
 demands to the French Government on 14 July 1941<sup>a.</sup>  
 and threatened that if France did not accept by  
 July 20, force would be used.<sup>b.</sup> On 28 July 1941 both  
 OKA and MUTO attended a meeting of the Inquiry  
 Committee of the Privy Council which decided that  
 Japan and France should conclude a Protocol for the

PP-59.

c. Ex. 588, T. 6566;  
 Ex. 799, T. 7904.  
 d. Ex. 1107, T. 10140.

PP-61.

a. Ex. 646, T. 7055.  
 b. Ex. 640, T. 7037.

PP-60.

a. Ex. 3458, T. 37420.

1 common defense of French Indo-China and military  
2 cooperation.<sup>c.</sup> At this meeting War Minister TOJO  
3 stated that the penetration into northern French  
4 Indo-China the previous year was concerned with the  
5 Chiang regime and hence its aim was different from  
6 that of the present penetration; although Japan would  
7 be made responsible for common defense with French  
8 Indo-China by the present agreement, the area of  
9 Japan's military activities would not be restricted.<sup>d.</sup>

10 A few hours later on the same day a Privy Council  
11 meeting was held at which OKA was also present which  
12 unanimously approved the protocol between Japan  
13 and French Indo-China. The protocol provided that  
14 the French Government should consent to the dispatch  
15 of a necessary force of Japanese Army troops, war  
16 vessels and air forces to southern Indo-China, the  
17 use of Siemreap and seven other places as air bases  
18 and Saigon and Camranh Bay as naval bases, and the  
19 right of quartering, maneuvers and training of the  
20 Japanese Army.<sup>e.</sup>

21  
22 PP-62. On 29 July 1941 Japan and the Vichy  
23 Government signed the Protocol for joint defense of

24 PP-61.

25 c. Ex. 649, T. 7069.

d. Ex. 649, T. 7072.

e. Ex. 650, T. 7074-7.

Indo-China.<sup>a</sup> Japan had thus gained a military and  
 1 naval base to use as a concentration area and jumping  
 2 off ports against the Netherlands Indies.<sup>b</sup> The use to  
 3 which the base would be put was soon evident.

PP-63. In August 1941 the accused SUZUKI  
 5 and the Planning Board heard that the Navy was dis-  
 6 mantling oil well equipment in Japan to be taken  
 7 south for use in exploiting the oil fields of the  
 8 areas to be occupied.<sup>a</sup> OKA both as a Councillor of  
 9 the Planning Board and as Chief of the Naval Affairs  
 10 Bureau must have been aware of this.

PP-64. The prosecution submits that during  
 12 this period OKA in his capacity as Chief of Section  
 13 Three, Naval General Staff, and subsequently as Chief  
 14 of the Naval Affairs Bureau was actively engaged in  
 15 the planning and execution of Japan's aggressive  
 16 policy in the South.

18 IX. Negotiations with the United States.

19 PP-65. The negotiations between the United  
 20 States and Japan commenced in April 1941. The pro-  
 21 posal for a Japan-American understanding submitted by  
 22 Hull to NOMURA was received in Tokyo on 17 April 1941.<sup>a</sup>

24 PP-62.

a. Ex. 651, T. 7079.

b. Ex. 639A, T. 7032-3.

PP-65.

a. Ex. 2866, T. 25695.

PP-63.

a. T. 35300-1.



1 Immediately upon receipt of this proposal and on the  
 2 same date a joint conference of high government and  
 3 military leaders including OKA and MUTO was convened  
 4 by Premier KONOYE.<sup>b.</sup> It was decided to accept such  
 5 a proposal but only on certain conditions as follows:  
 6 It was to be made clear that there was to be no in-  
 7 fringement of the Tri-Partite Pact and that the object  
 8 of the negotiations was to promote world peace and  
 9 not to relieve the United States of her commitments  
 10 in the Pacific and allow her to increase her support  
 11 of Britain; also clearer impression must be given to  
 12 the idea of building a new order.<sup>c.</sup>

13 PP-66. OKA and MUTO attended Liaison  
 14 Conferences on 3 May, 8 May and 12 May 1941<sup>a.</sup> which  
 15 presumably considered the United States proposal.  
 16 On 12 May 1941 NOMURA presented to Hull the draft of  
 17 the first Japanese proposal which made it plain that  
 18 the obstacle to reaching an agreement was the diver-  
 19 gence of views as to the extent of Japan's obligation  
 20 under the Tri-Partite Pact, the solution of the China  
 21 Affair and Japan's expansion to the South. As to the  
 22 Tri-Partite Pact Japan maintained that it was purely  
 23

24 PP-65.

25 b. Ex. 2866, T. 25,694.

T. 33,375.

c. Ex. 2866, T. 25,697.

PP-66.

a. Ex. 1103,

T. 10,060-1.

1 defensive but proposed that its obligations of  
2 military assistance under it would be applied under  
3 Article 3 of the Pact. In respect to the China  
4 Affair, Japan proposed that the United States should  
5 acknowledge the KONOYE three principles of neighborly  
6 friendship, joint defense against communism and  
7 economic cooperation together with the principles  
8 set forth in the treaty with Nanking and the Joint  
9 Declaration of Japan, Manchukuo and China. The  
10 explanation also proposed that if Chiang did not  
11 accept United States advice to negotiate, the United  
12 States should discontinue her assistance to him.  
13 With respect to the southward expansion, the matter  
14 of refusing to acquiesce in a transfer of southwest  
15 Pacific territory was dropped.<sup>b.</sup>

16  
17 PP-67. OKA's participation in the prepara-  
18 tion of this document is shown by the testimony of  
19 the accused KIDO, who stated that the Foreign Office  
20 drafted the original formula for a Japanese-  
21 American understanding and that OKA was an assistant  
22 at the time the formula was drawn up although he did  
23 not take a leading part.<sup>a.</sup> Irrespective of whether

24 PP-66.

25 <sup>b.</sup> Ex. 1070, T. 9891, 9894-9903.

PP-67.

<sup>a.</sup> T. 31237-8.

OKA was one of the "activist groups of young officers in the Army and Navy" mentioned by MATSUOKA as those who opposed the policy of serious discussion of the American proposal,<sup>b.</sup> it is at least obvious that as one of the authors of the Japanese proposal he was opposed to making concessions which in any way interfered with Japan's aggressive program. MATSUOKA's own motive in negotiations, as he informed Ott, was only to postpone or prevent United States entry into the war and to prevent increase of assistance to England.<sup>c.</sup>

PP-68. The fundamental inconsistency in the negotiations with the United States was that throughout the whole period that a peaceful arrangement was being sought by NOMURA and Hull, the conspirators in Japan were actively continuing their program for expansion in China and in the south. This became apparent when the Imperial Conference of 2 July 1941 decided that regardless of any change in the international situation Japan would continue the southward advance even if it meant war with Britain and the United States.<sup>a.</sup> The decision of this Imperial Conference which OKA attended<sup>b.</sup> indicated

PP-67.

PP-68.

b. Ex. 1068, T. 9886.

a. Ex. 588, T. 6566-8.

c. Ex. 1073, T. 9910.

b. Ex. 1107, T. 10,140.



1 that there was no hope of overcoming the obstacles  
2 to a Japan-United States agreement.  
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1                    PP-69. In spite of the fact that the con-  
2     tinuance of aggressive tactics as sanctioned by the Im-  
3     perial Conference of 2 July 1941 rendered an agreement  
4     with the United States almost impossible, the conspira-  
5     tors continued to negotiate with the United States.  
6     The original Japanese proposal of 12 May 1941 had been  
7     answered by a counter proposal from Hull on 21 June  
8     1941.     <sup>a.</sup> An excerpt from the KONOYE Memoirs shows that  
9     Joint conferences were held on July 10th and 12th. At the  
10    joint conference on the 12th the Army and Navy made a  
11    joint statement which provided that Japan's attitude  
12    toward the European War should be determined according  
13    to treaty obligations, the three KONOYE principles should  
14    form the basis for dealing with the China question,  
15    America could recommend an armistice but should not  
16    intervene and Japan should reserve her right to use  
17    armed force in the Pacific in case of need.     <sup>b.</sup> It is  
18    to be observed that again the army and navy had laid  
19    down as part of their terms the three conditions which  
20    prevented the successful termination of negotiations,  
21    namely, the Tripartite Pact, the solution of the China  
22    question and Japan's armed aggression in the South.

23     PP-69. a. Ex. 1091, T. 10,001-3.  
24             b. Ex. 2866, T. 25,746-7

1                    PP-70. That this joint statement of the army  
 2 and navy was in fact prepared by Director of Navy  
 3 Affairs OKA and Director of Military Affairs MUTO is  
 4 stated in an entry in KIDO's diary for 15 July 1941. <sup>a.</sup>  
 5 Both KONOYE and MATSUOKA approved of the formula, but  
 6 the latter wished to instruct NOMURA to first reject  
 7 the oral statement of Hull of 21 June 1941, whereas  
 8 KONOYE wanted the revised formula to be wired to NOMURA  
 9 at the same time as the rejection of the oral statement  
 10 lest the United States assume that negotiations were  
 11 discontinued. Nevertheless MATSUOKA wired instructions  
 12 to NOMURA which precipitated a Cabinet crisis. <sup>b.</sup> The  
 13 fact that both sides had agreed to the revised formula  
 14 prepared by OKA and MUTO shows that OKA and MUTO exer-  
 15 cised great influence over the whole course of the nego-  
 16 tiations.

17                    PP-71. The accused OKA on direct examination  
 18 stated that it was not within the province of his depart-  
 19 ment to prepare such a formula and that the Director of  
 20 a bureau could not be responsible for drafting the com-  
 21 plete formula for the agreement. <sup>a.</sup> It is to be noted  
 22 that OKA never expressly denied that he and MUTO to-  
 23 gether prepared the original Japanese formula; he merely  
 24 denied by inference that he could have prepared the  
 25

PP-70. a. Ex. 1115, T. 10,161    PP-70. b. Ex. 1115, T.  
PP-71. a. T. 33,389-90                    10,162-3



formula alone, a fact which was never alleged by KIDO.

OKA also asserted that KIDO on direct examination had denied the construction placed upon exhibit 1115, the extract from his diary. <sup>b.</sup> An examination of the record

shows that exhibit 1115 referred to alterations in the original formula made by OKA shortly before 15 July

1941, whereas KIDO's testimony on direct examination

was that at the time the original formula was prepared

in April 1941 OKA was an assistant, although he did not

take a leading part. <sup>c.</sup> It is submitted that KIDO's

statement does not in any way impair the validity of the

facts set forth in his diary (Ex. 1115), relating to

OKA's share in preparing the revised formula of 15 July

1941 but merely reveals the additional fact that OKA

was an assistant in preparing the original formula of

April, 1941.

PP-72. OKA has testified that in August 1941

he was ordered by OIKAWA to have a merchant ship ready

to take KONOYE to a personal conference with Roosevelt. <sup>a.</sup>

Defense witness OIKAWA confirmed this and stated that he

had unofficially selected OKA as a naval attendant in

KONOYE's suite because of OKA's intense interest in the

negotiations. <sup>b.</sup> Defense witness TAKATA also confirmed

PP-71. b. T. 33,389

PP-72. b. Ex. 3470, T. 33,341

c. T. 31,237-8

PP-72. a. T. 33,391

1 this and added that OKA appeared very happy at the  
2 c.  
3 developments.

4 PP-73. It is contended that this evidence  
5 is of no value since at best it merely shows that OKA  
6 hoped to achieve the aims of the conspiracy by diplo-  
7 matic methods. The prosecution submits that OKA's  
8 whole participation in the negotiations shows that he  
9 was one of the leaders among the conspirators whose  
10 insistence upon Japan's adherence to the Axis and con-  
11 tinued aggression in China and the South Seas rendered  
12 the negotiations fruitless almost from the start.

13 X. The Formulation by OKA and MUTO of Japan's  
14 Peace Terms with China.

15 PP-74. Further proof that OKA and MUTO as  
16 the liaison officers of the army and navy were jointly  
17 influential in matters of State policy is provided by  
18 exhibit 3456, a top secret memorandum of the Foreign  
19 Office which shows that OKA and MUTO on 6 September  
20 1941 held a conference at the official residence of  
21 the Foreign Minister and stated the basic terms for  
22 settling the China Affair. The document provided that  
23 the Chungking Government should join the Nanking Govern-  
24 ment and that Japanese troops should be stationed in

25 PP-72. c. Ex. 3472, T. 33,367

Amoy and Hainan Islands, as well as in certain districts<sup>a.</sup>  
of the Mongolia-Sinkiang Area and North China.

2           PP-75. This document represents the maximum  
3 concessions which the army and navy were able to agree  
4 upon through their liaison officers, MUTO and OKA, in  
5 the negotiations with the United States. Throughout all  
6 the later negotiations Japan clung tenaciously to these  
7 terms relating to China. At the Imperial Conference  
8 held the same day on 6 September 1941, Japan's minimum  
9 demands as to China to be fulfilled in her negotiations  
10 with the United States were stated as follows: The  
11 United States and Britain will neither meddle in nor  
12 interrupt the disposition of the China Incident; the  
13 Burma Road will be closed and the United States and  
14 Britain will give Chiang's Regime neither military nor  
15 economic support; particularly regarding the stationing  
16 of the Imperial forces under the new arrangements be-  
17 tween Japan and China, Japan shall adhere to its necessity.<sup>a.</sup>  
18 Similar terms and conditions were subsequently incorpora-  
19 ted in exhibit 1245-F which contained the proposed terms  
20 of peace with China handed to Ambassador Grew in Tokyo  
21 on 22 September 1941. These terms provided that for

23 PP-74. a. Ex. 3456, T. 33,192  
24 PP-75. a. Ex. 588, T. 6566; Ex. 779, T. 7904



1 purposes of cooperation against Communism Japan should  
2 have the right to station troops and naval forces in  
3 certain areas in China for a necessary period to accom-  
4 plish these purposes. <sup>b.</sup> The accused MUTO himself on  
5 cross-examination had to admit that there was no threat  
6 to Japan of Communism infiltrating from Borneo, Sumatra  
7 or the Philippines which would require the garrisoning  
8 of Hainan Island. <sup>c.</sup> The real purpose of the troops on  
9 Hainan was subsequently revealed when they were used to  
10 invade Malaya on 8 December 1941.

11 PP-76. The decision of the Imperial Confer-  
12 ence on November 1941 again reiterated in Proposition A  
13 the demand that "Among the Japanese troops dispatched  
14 to China for the disposal of the Chinese Incident, those  
15 in the designated areas in North China and Mongolia and  
16 on Hainan Island will be stationed there for a certain  
17 necessary time after the establishment of peace between  
18 Japan and China. Simultaneously with the establishment  
19 of peace, we shall commence to withdraw the rest accord-  
20 ing to a separate agreement between Japan and China, and  
21 with the stabilization of public order this will be com-  
22 pleted within two years." A note appended to the deci-  
23 sion stated that "If the United States should make an  
24

25 PP-75. b. Ex. 1245-F, T. 10,792  
c. T. 33,196

1 inquiry as to the necessary term, it will be replied  
 2 that our aim will be approximately 25 years." <sup>a.</sup> It is  
 3 to be noted that Proposition B as actually submitted to  
 4 Hull on 20 November, 1941, although it mentioned withdrawal  
 5 of troops from French Indo-China upon the restoration  
 6 of peace between Japan and China or the establishment  
 7 of an equitable peace in the Pacific area contained no  
 8 promise whatever to withdraw troops from China itself. <sup>b.</sup>

9 PP-77. The prosecution submits that the  
 10 original statement by OKA and MUTO of the terms of peace  
 11 for China as contained in exhibit 3456 represented one  
 12 of the chief obstacles to the successful termination of  
 13 negotiations with the United States. The stationing of  
 14 troops in certain areas of China remained a fundamental  
 15 principle of Japanese policy throughout the entire  
 16 <sup>a.</sup> negotiations.

17 VI. The Fall of the KONOYE Cabinet.

18 PP-78. Premier KONOYE has set forth the facts  
 19 pertaining to the resignation of the Third KONOYE Cabi-  
 20 net in several documents. A statement dictated by him  
 21 says that on 11 October 1941, OKA told KONOYE that with  
 22 the exception of the Naval General Staff the brains of  
 23 the navy did not want war with the United States, but

25 PP-76. a. Ex. 779, T. 7904; Ex. 588, T. 6566  
 b. Ex. 1245 F, T. 10,811-4  
PP-77. a. T. 33,196

1 that in view of the Imperial Conference decision of 6  
2 September which the Navy had approved, the Navy could  
3 not say so and accordingly the Navy Minister will propose  
4 to leave the decision in the hands of the Premier at the  
5 conference next day.<sup>a.</sup> The following day, 12 October  
6 1941, at a conference at the Premier's private residence  
7 at Ogikubo between the Premier, War Minister, Navy  
8 Minister and President of the Planning Board, TOJO  
9 stated that there was absolutely no hope for a success-  
10 ful conclusion of the diplomatic negotiations since it  
11 was impossible to withdraw the troops from China.<sup>b.</sup>  
12 Navy Minister OIKAWA stated that the time had come to  
13 determine on peace or war and he would like to leave  
14 the decision entirely up to the Premier. If they were  
15 to seek peace they should go all the way with it. If  
16 there was to be war it must be determined then and  
17 there.<sup>c.</sup> In other words the Navy Minister was not com-  
18 pletely opposed to war but was merely opposed to post-  
19 poning the decision any later. The deadlock between  
20 the Premier and War Minister continued and as a result  
21 the army took the position that the navy must declare  
22 itself, since if the navy says she cannot go to war a  
23  
24 PP-78. a. Ex. 1148, T. 10,253  
25 b. Ex. 1148, T. 10,253-6  
c. Ex. 2913, T. 25,863



way could be found to dissuade the subordinate army  
1 officers. MUTO called on Chief Secretary TOMITA and  
2 requested that the navy be asked to make a definite  
3 statement.<sup>d.</sup> Thereupon, Chief Cabinet Secretary TOMITA  
4 spoke to OKA concerning the matter on 14 October 1941,  
5 and OKA stated that the navy could not say in any formal  
6 manner that it did not wish war but could only say that  
7 it was up to the Premier.<sup>e.</sup>

24 PP-78. d. Fr. 1148, T. 10,263  
e. Ex. 3446, T. 33,050

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1 PP-79. It is to be noted that the accused  
2 OKA gave a slightly different version of the conver-  
3 sation on October 14th. He stated that TOMITA ex-  
4 pressed the view that it would be difficult for the  
5 Navy to state it would be unable to fight and then he  
6 (OKA) agreed with him.<sup>a</sup> This version of the conver-  
7 sation is contradicted by the statement dictated by  
8 KONOYE<sup>b</sup> as well as by the KONOYE Memoirs.<sup>c</sup> Further-  
9 more, defense witness TOMITA does not mention any  
10 such conversation on October 14th but states on the  
11 contrary that on October 12th it was OKA who volun-  
12 teered the information that the Navy could not de-  
13 cide whether to fight.<sup>d</sup>

14 PP-80. The accused OKA on the stand stated  
15 that the description of the conversations on or about  
16 October 12, 1941, given by KONOYE shows that OKA's  
17 participation in the negotiations was merely his  
18 official acts as liaison officer and that OKA was  
19 only delivering messages of higher officials.<sup>a</sup> De-  
20 fense witness OIKAWA stated that when OKA told TOMITA  
21 that the Navy could not fight he was conveying the  
22 intention expressed by OIKAWA as Navy Minister.<sup>b</sup>

PP-79.

- 24 a. T. 33,397; T. 33,495  
25 b. Ex. 1148, T. 10,250  
c. Ex. 3446, T. 33,050  
d. Ex. 3467, T. 33,301

PP-80.

- a. T. 33,394  
b. Ex. 3470, T. 33,343

PP-81. It is significant that when the deadlock between KONOYE, TOJO and OIKAWA was reached on October 12 the attempt to settle the matter was made by negotiation between OKA, MUTO and TOMITA. This indicates that OKA had considerable influence on the decisions made. When called upon by MUTO to take a position one way or another, OKA refused and left the decision to KONOYE.<sup>a</sup> MUTO on cross-examination testified that at his conversation with TOMITA on 14 October 1941, it appeared that in view of the attitude of the Navy it would be impossible for the War Minister to hold back those within the War Ministry who advocated a strong policy.<sup>b</sup> The accused TOJO on cross-examination confirmed this when he stated that OIKAWA's insistence upon continuance of negotiations was a case of evasion of responsibility.<sup>c</sup> The accused TOGO on cross-examination stated that KONOYE said the Navy was familiar with its naval strength but KONOYE was in no position to decide and thus the attitude of the Navy was cowardly.<sup>d</sup> TOGO added that the Navy entrusted the decision to the Premier as to whether the negotiations should be continued but there was nothing said by the Navy about entrusting to the Premier the

PP-81.

a. Ex. 3346, T. 33,051  
b. T. 33,163

c. T. 36,524  
d. T. 35,867



question of relaxing the terms set up by the decision<sup>e</sup>  
 1 of the Imperial Conference of September 6th.

2 PP-32. On 16 October 1941, the KONOYE Cabinet  
 3 resigned and on 18 October the TOJO Cabinet was formed  
 4 with OKA retaining his position as Chief of the Naval  
 5 Affairs Bureau.<sup>a</sup> The prosecution submits that OKA's  
 6 participation in the political maneuvers preceding the  
 7 fall of the KONOYE Cabinet indicates that he had an  
 8 intimate knowledge of the plans of the conspirators  
 9 leading to war. His willingness to serve in the TOJO  
 10 Cabinet is ample proof that he was willing to plunge  
 11 Japan into war, as further shown by his subsequent  
 12 conduct.  
 13

#### 14 XII. The Decision For War.

15 PP-33. As early as 6 September 1941 the  
 16 problem of attacking Pearl Harbor was debated at the  
 17 Naval War College. It is inconceivable that OKA did  
 18 not have knowledge of this since of the forty-one top  
 19 ranking Naval officers who attended, two officers  
 20 (Captain TAKATA and Commander SHIKI) were from the  
 21 Naval Affairs Bureau.<sup>a</sup>

22 PP-34. From the time of the formation of  
 23 the TOJO Cabinet the preparations for war went forward  
 24

25 PP-81. c. T. 35,869  
 PP-82. a. Ex. 102, T. 685  
 PP-83. a. Ex. 809(5), T. 11,230

with greater vigor. An increasing number of Liaison  
 1 Conferences were held to consider questions of funda-  
 2 mental policy.<sup>a</sup> OKA and MUTO attended all of these  
 3 conferences.<sup>b</sup> At the conferences reports were re-  
 4 ceived of the progress of negotiations with the  
 5 United States from the Military and Naval Attaches in  
 6 Washington.<sup>c</sup>

PP-85. The decisions reached at these Liai-  
 8 son Conferences have been set forth at length in the  
 9 General Summary of the prosecution case. Attention  
 10 is directed to the Liaison Conference of 1 and 2  
 11 November 1941 which adopted Proposals A and B;<sup>a</sup> to  
 12 the Liaison Conference of 11 November 1941 when the  
 13 draft of the "Principal Reasons Alleged for the  
 14 Commencement of Hostilities against the USA and  
 15 Britain" was adopted;<sup>b</sup> to the Liaison Conference of  
 16 13 November 1941 which decided that after the break-  
 17 down of negotiations with the United States about 25  
 18 November, Japan would notify Germany and Italy of  
 19 Japan's intentions to start war against the United  
 20 States and Britain;<sup>c</sup> to the Liaison Conference of 20  
 21 November 1941 which adopted measures relating to the  
 22

24 PP-84.  
 25 a. Ex. 1163, T. 10,315  
 b. T. 26,146-8  
 c. T. 36,358

PP-85.  
 a. Ex. 2915, T. 25,941-8  
 b. Ex. 1175, T. 10,362-5  
 c. Ex. 873, T. 3994

1 details of setting up military administration in  
 2 southern occupied areas<sup>d</sup> and to the Liaison Confer-  
 3 ence of 28 November 1941 which unanimously decided on  
 4 war with the United States.<sup>e</sup>

5 PP-86. On 31 October 1941 a communication  
 6 from the Chief of the Financial Bureau addressed to  
 7 OKA among others established the procedure for is-  
 8 suance of military currency notes in foreign denomina-  
 9 tions to defray war expenditures in the event of  
 10 military operations in southern regions.<sup>a</sup> A similar  
 11 communication dated 31 October 1941 addressed to OKA  
 12 among others refers to the military currency as gul-  
 13 den, dollars and pesos and says the areas in which  
 14 they are to be used are Dutch East Indies, British  
 15 Malaya, Borneo, Thailand and the Philippines.<sup>b</sup> In  
 16 both cases the approval of the Navy Minister was re-  
 17 quested and the seal of OKA indicates that the commu-  
 18 nications came to his attention.

19 PP-87. An excerpt from the interrogation of  
 20 Admiral NAGANO states that as Chief of Naval General  
 21 Staff he approved of the YAMAMOTO Plan to attack  
 22 Pearl Harbor at the end of October or early November

23 PP-85. d. Ex. 877, T. 8987

24 e. T. 36,077

25 PP-86. a. Ex. 852 (Commun. #9), T. 8456

b. Ex. 852 (Commun. #10), T. 8456



after the plans had been perfected by preliminary  
 1 maneuvers at sea and on paper. In this interrogation  
 2 NAGANO states several times that the Naval Affairs  
 3 Bureau participated in the discussion of the YAMAMOTO  
 4 Plan.<sup>a</sup> Defense counsel has objected that this is a  
 5 mistranslation.<sup>b</sup> In any case the fact that OKA knew  
 6 of the plan is confirmed by exhibit 809 where NAGANO  
 7 and other officers of Naval General Staff stated that  
 8 the Chief of the Naval General Affairs Bureau knew a  
 9 part of the plan in advance.<sup>c</sup>

11 PP-88. OKA attended the Imperial Conference  
 12 of 5 November 1941 which fixed a deadline for com-  
 13 pletion of the negotiations by 25 November 1941 or in  
 14 the event of their failure to go to war.<sup>a</sup> In addi-  
 15 tion he attended the Imperial Conference on 1  
 16 December 1941 which decided that negotiations with  
 17 the United States regarding the execution of national  
 18 policy having failed, Japan would declare war on the  
 19 United States, Britain and the Netherlands.<sup>b</sup>

20 PP-89. At the conclusion of the Imperial  
 21 Conference of 1 December 1941 the Emperor warned the  
 22 members repeatedly that the final note must be

23 PP-87.

- 24 a. Ex. 1197A, T. 10,461  
 25 b. T. 10,465  
 c. Ex. 809(67), T. 11,230

PP-88.

- a. Ex. 1169, T. 10,333-40  
 b. Ex. 588, T. 10,519

delivered before the attack.<sup>a</sup> Defense witness YAMA-  
 MOTO, Kumaichi, testified that at the Liaison Confer-  
 ence of 2 December 1941 the question of procedure for  
 opening hostilities first came up for discussion and  
 TOGO said that at least a notification of termination<sup>b</sup>  
 of negotiations must be given prior to hostilities.  
 Witness further stated on cross-examination that at  
 this conference Vice Chief of Naval General Staff ITO  
 on behalf of the Naval High Command made a strong  
 request that in view of the need of conducting a  
 surprise attack and inflicting heavy damage at the  
 outset the negotiations should not be terminated at  
 the time of opening hostilities.<sup>c</sup> The accused TOGO  
 in his direct examination confirmed the fact that  
 ITO wanted negotiations left unterminated and added  
 that NAGANO also stated at this Liaison Conference<sup>d</sup>  
 that the Navy wanted to carry out a surprise attack.  
 On 3 December 1941 the Liaison Conference decided that  
 a notification closing negotiations would be given at  
 Washington.<sup>e</sup> The drafting of the final note to the  
 United States was done by the Foreign Office but it  
 was submitted to the Liaison Conference and Cabinet  
 and approved by them.<sup>f</sup> In an excerpt from his

PP-89.

a. Ex. 1201A, T. 10,480

b. Ex. 2915, T. 26,093

c. T. 26,134

d. Ex. 3646, T. 35,714

e. T. 26,095

f. Ex. 2915, T. 26,095-6

Ex. 1202A, T. 10,482

Ex. 1206A, T. 10,506

1 interrogation TOGO stated that the responsibility for  
 2 the composition of the note rests with the participa-  
 3 ting members of the Liaison Conferences among whom  
 4 he specifically named OKA.<sup>g</sup>

5 PP-90. The accused OKA on direct examina-  
 6 tion admitted that the draft of the final note pre-  
 7 pared by the Foreign Office was submitted to him and  
 8 his subordinates for study and revision. As a result  
 9 OKA sensed that it was inadequate as a final note and  
 10 recommended that wording be inserted reserving freedom  
 11 of action to Japan. When the draft of the note was  
 12 distributed at the Liaison Conference he discovered  
 13 that the suggested revision was not made and after  
 14 the conference he was told by YAMAMOTO of the Foreign  
 15 Office in effect that it was unnecessary.<sup>a</sup> This was  
 16 confirmed by defense witness SHIBA, Katsuo, who was  
 17 OKA's assistant at the time.<sup>b</sup> On cross-examination  
 18 OKA admitted that when first interrogated by the  
 19 prosecution he denied knowledge of ever asking the  
 20 Foreign Office to change the wording of the note but  
 21 after entering Sugamo Prison and talking to TOGO and  
 22 SHIBA his recollection was refreshed.<sup>c</sup> The prosecu-  
 23 tion submits that this explanation is unworthy of

24 PP-89. PP-90. a. T. 33,400-2  
 25 g. Ex. 1207A, T. 10,509 b. Ex. 3469, T. 33,322  
 c. T. 33,437-9



consideration. Moreover, defense witness YAMAMOTO  
 1 denied that he received any such suggested revision  
 2 from OKA or had any discussion with OKA on the matter.<sup>d</sup>  
 3 TOGO also denied knowledge of any suggested revision  
 4 of the note by OKA.<sup>e</sup>

5 PP-91. OKA stated on direct examination  
 6 that at the Liaison Conference TOJO said the time of  
 7 delivery of the final note would be entrusted to con-  
 8 sultation between the Foreign Office and the Supreme  
 9 Command. Later OKA heard that it would be delivered  
 10 in Washington one hour before the opening of hostili-  
 11 ties but he does not remember the date, from whom or  
 12 where he heard this information. He learned for the  
 13 first time after the war that the time was altered  
 14 to 30 minutes prior to the opening of hostilities.<sup>a</sup>

16 PP-92. A Foreign Office document states that  
 17 soon after 4 a.m. on 7 December 1941 OKA telephoned  
 18 the Foreign Minister and reported on the success of  
 19 the surprise attack on Pearl Harbor.<sup>a</sup> On cross-  
 20 examination OKA stated he did not recall such a tele-  
 21 phone call but such a thing was possible. He also  
 22 admitted that he might have been informed about 4  
 23 o'clock on the morning of 8 December, 1941 about the

24 PP-90.

25 d. Ex. 3632, T. 35,563  
 e. T. 35,861-2

PP-91. a. T. 33,402

PP-92. a. Ex. 3647, T. 35,927

success of the attack but had no recollection of it  
<sup>b</sup> now. On cross-examination TOGO admitted receiving  
 a telephone call from OKA at this time in which OKA  
 used the words "surprise attack on Hawaii."<sup>c</sup> This  
 report by OKA coming approximately forty minutes  
 after the opening of the attack on Pearl Harbor at  
 3:20 a.m. shows that OKA was in very close contact  
 with matters of operations including the Pearl Har-  
 bor attack. The prosecution submits that his state-  
 ment that he did not learn that the time for delivery  
 of the final note was altered to 30 minutes prior to  
 the attack is incredible in the face of the evidence.

PP-93. At 7:30 a.m. on December 7, 1941, a  
 meeting of the Inquiry Committee of the Privy Council  
 was held at which the bill regarding declaration of  
 war was unanimously adopted.<sup>a</sup> OKA admitted that he  
 probably attended this meeting as an explainer.<sup>b</sup> At  
 this meeting TOJO stated that since 1 December the  
 negotiations with the US were continued only for the  
 sake of strategy. Navy Minister SHIMADA reported on  
 the outbreak of war against America and England at  
 Hawaii and Malay.<sup>c</sup>

PP-92. b. T. 33,500-1

c. T. 35,933

PP-93. a. Ex. 1241, T. 10,690

b. T. 33,502

c. Ex. 1241, T. 10,691, 10,699.

1 PP-94. At about 12:00 noon the Imperial Re-  
2 script declaring war on the United States and Britain  
3 which had been approved by the Privy Council was is-  
4 sued.<sup>a</sup> OKA was not a signatory of this document but  
5 in his interrogation MUTO admitted that he collabor-  
6 ated with TOGO and OKA in preparing the draft of the  
7 Imperial Rescript. Each of them prepared a draft  
8 and then the three were put together.<sup>b</sup> Subsequently,  
9 on direct examination, MUTO testified that his state-  
10 ment in the interrogation was a mistake; that he and  
11 OKA did not make a draft of the Imperial Rescript but  
12 only offered reference material for the Rescript to  
13 Chief Cabinet Secretary HOSHINO, and that the draft  
14 of the Rescript was prepared in the Cabinet.<sup>c</sup>

15 PP-95. The prosecution submits that OKA  
16 participated in the preparation of both the final  
17 note and the Imperial Rescript as well as attending  
18 the Investigative Committee meeting of the Privy Coun-  
19 cil which decided on war and hence he is chargeable  
20 with responsibility for the decision to wage aggress-  
21 ive war contrary to the principles of international  
22 law.  
23

24 PP-94.

- 25 a. Ex. 1240, T. 10,686-9  
b. Ex. 2240, T. 16,121-5  
c. Ex. 3454, T. 33,125



## XIII. Prisoners of War.

1 PP-96. OKA as Chief of the Naval Affairs  
 2 Bureau had jurisdiction over Navy prisoners of war.  
 3 In principle all prisoners captured by the Navy were  
 4 to be handed over to the Army but until such time the  
 5 prisoners were under naval supervision in temporary  
 6 camps.<sup>a</sup> The Navy Minister had authority to make  
 7 rules and regulations for the administration of  
 8 prisoners of war.<sup>b</sup> SHIMADA admitted that as Navy  
 9 Minister he issued such instructions and cited as an  
 10 example Navy Ministerial Notification No. 33 relating  
 11 to prisoners of war originally issued in 1904 and  
 12 amended in 1941 which authorized naval stations or  
 13 other naval authorities who receive prisoners of war  
 14 to detain them in any temporary camp available having  
 15 adequate facilities pending transfer to the Army.<sup>c</sup>

17 PP-97. OKA testified on direct examination  
 18 that when it was impossible to turn over prisoners  
 19 of war to the Army immediately, they were provisionally  
 20 interned by the naval unit in the field or, if in  
 21 Japan, by a naval station.<sup>a</sup> Matters concerning pris-  
 22 oners of war were handled by the Navy Ministry as  
 23 matters belonging to general naval administration.  
 24

25 PP-96. a. Ex. 3056, T. 27,278-9 PP-97.  
 b. Ex. 3065, T. 27,359 a. Ex. 3473, T. 33,419  
 c. Ex. 3575, T. 34,669;  
 Ex. 3055, T. 27,275-3

1 The Navy Ministry handled the establishment and  
2 revision of rules pertaining to prisoners of war,  
3 liaison within other offices concerning prisoners of  
4 war and requests from units at the front for supplies  
5 and medicine for prisoners of war.<sup>b</sup>

6 PP-98. On cross-examination OKA stated that  
7 the Naval Affairs Bureau handled matters relating to  
8 prisoners of war requiring liaison with the Army,  
9 Foreign Office or Home Office and also with the naval  
10 units having prisoners in their custody. The highest  
11 authorities in connection with supervision over  
12 prisoners of war were the commanders of naval stations,  
13 commanders of a fleet and commanders of naval guard  
14 areas.<sup>a.</sup>

15 PP-99. It appears from this evidence that  
16 OKA was attempting to minimize the importance of the  
17 Naval Affairs Bureau in relation to Prisoners of War  
18 by shifting all responsibility to the commanding  
19 officer of the naval unit having custody of the pris-  
20 oners. It is submitted that this is contrary to the  
21 evidence. OKA himself admitted on direct examination  
22 by his own counsel that the Navy Minister's position  
23 vis-a-vis these various commanders was that since the  
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25 PP-97.

b. T. 33,424-5

PP-98.

a. T. 33,505-6

1 Navy Minister controlled all navy men and civilians  
2 attached to the Navy, he had supervisory powers.<sup>a</sup>

3 It is contended that such supervisory powers would  
4 normally be exercised through the Bureau of Naval  
5 Affairs which was charged with matters concerning  
6 prisoners of war. OKA also admitted on direct  
7 examination that one of the matters coming within  
8 the jurisdiction of the Naval Affairs Bureau was the  
9 report under the regulations covering the names and  
10 rank of any prisoners held which enabled the Naval  
11 Affairs Bureau to furnish information thereon to the  
12 Foreign Ministry.<sup>b</sup>

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23 PP-99.

24 a. T. 33,426; T. 33,506  
25 b. T. 33,419-20



1 PP-100. Defense witness YAMAMOTO, Yoshio, who  
2 was formerly Chief of Section One, Naval Affairs Bureau,  
3 confirmed the fact that the Navy Ministry issued instruc-  
4 tions concerning the handling of prisoners of war to  
5 naval bases, naval stations and fleet headquarters,  
6 and stated that the originals were in the custody of  
7 the Naval Affairs Bureau but were destroyed by fire in  
8 May 1945. As examples of such instructions he listed  
9 instructions for the transport of prisoners from the  
10 southern combat zone to Japan in January and February  
11 1942; orders to Sasebo Naval Station to investigate  
12 the number of deaths among the prisoners of war at  
13 Sasebo temporary prison camp in the spring of 1943,  
14 and instructions to make a survey and report on the  
15 condition of prisoners of war held outside of Japan  
16 in December 1944.<sup>a</sup> Witness also confirmed the fact  
17 that a report as to the names, rank and other matters  
18 relating to the prisoners of war was made by Yokosuka  
19 Naval Station.<sup>b</sup>

20 PP-101. Further evidence of OKA's responsibility  
21 for prisoners of war is the testimony of defense wit-  
22 ness TAKATA, Toshitane, former Chief of Section One,  
23

24 PP-100

- 25 a. Ex. 3066, T. 27,375-6  
b. Ex. 3066, T. 27,384

1 Naval Affairs Bureau, who stated that since 8 December  
2 1941, Section One handled matters pertaining to  
3 prisoners of war,<sup>a</sup> and that Section Two was a sort of  
4 clearing house for matters concerning international  
5 regulations regarding prisoners of war.<sup>b</sup> He also  
6 testified that a temporary naval prisoner of war camp  
7 was established at Ofuna. He first heard of it before  
8 July 1942 and believed that it existed until after the  
9 end of the war.<sup>c</sup> Witness stated that Ofuna Prison  
10 Camp was established by the Yokosuka Naval Station  
11 but admitted on cross-examination that the Navy  
12 Ministry provided the funds for the establishment of  
13 the camp.<sup>d</sup> Defense witness YAMAMOTO stated that  
14 during the war prisoners captured by the Navy were  
15 stationed at Wake, Rabaul, Ambon, Macassar and  
16 Haiphong, as well as at Sasebo temporary prisoner of  
17 war camp.<sup>e</sup> The evidence also shows that instead of  
18 being turned over to the Army immediately, the prison-  
19 ers were often kept in Naval prison camps for years.<sup>f</sup>

21 PP-101

- 22 a. Ex. 3065, T. 27,359  
23 b. T. 33,371  
24 c. T. 27,370-1  
25 d. T. 27,373  
e. Ex. 3066, T. 27,375-7  
f. Ex. 1933-A, T. 14233;  
Ex. 1934-A. T. 14,235

1 It is to be noted that the 98 civilians executed on  
 2 Wake Island had been held there by the Navy from  
 3 December, 1941 until 7 October 1943.<sup>g</sup>

4 PP-102. The prosecution submits that the evidence  
 5 leads to the inescapable conclusion that OKA was respons-  
 6 ible for the mistreatment of naval prisoners of war.  
 7 OKA was a member of the Department of Naval Prepared-  
 8 ness Examination, Imperial Headquarters, and also an  
 9 assistant to the Navy Minister in Imperial Headquarters<sup>a</sup>  
 10 at the time Imperial Headquarters issued the orders  
 11 pertaining to the Burma-Thailand Railroad, which  
 12 resulted in the deaths of approximately 10,000 prisoners  
 13 of war<sup>b</sup> and hence must share in the responsibility.  
 14 During the period that OKA was Chief of the Naval Affairs  
 15 Bureau there were many instances of mistreatment of  
 16 prisoners of war at Ofuna Camp, including the case of  
 17 the Allied fliers, who were beaten, tortured and denied  
 18 proper food and medical attention, resulting in their  
 19 death.<sup>c</sup> Allied prisoners of war being transported  
 20 from Wake Island to China upon orders of the Navy

22 PP-102

- 23 a. Ex. 120, T. 755  
 24 b. Ex. 475, T. 5513-4  
 c. Fx. 1934-A, T. 14,235  
 Ex. 1933-A, T. 14233

PP-101

- g. Fx. 2057,  
 T. 15,046,  
 T. 14,926.

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1 Minister<sup>d</sup> were brutally mistreated<sup>e</sup> and five of  
2 them were beheaded without trial.<sup>f</sup> In addition, the  
3 evidence shows that many hundreds of Allied nationals  
4 who were captured on Pacific Islands or at sea were  
5 killed or otherwise mistreated. Details concerning  
6 the massacre of 141 American prisoners of war on  
7 Palawan Island, of nine American fliers on Kwajalein  
8 and of 98 American civilians on Wake, as well as of  
9 hundreds of American seamen and civilians taken from  
10 torpedoed Allied ships have been set forth previously  
11 in this Summation and will not be repeated here. It  
12 is sufficient to point out that Admiral ABE, the  
13 Commanding Officer of naval forces on Kwajalein,  
14 testified at his trial that he ordered the execution  
15 of American prisoners of war upon orders from the  
16 Highest Naval Central Headquarters in Tokyo.<sup>g</sup> Further  
17 evidence that the Japanese Navy adopted the deliberate  
18 policy of murdering prisoners of war is contained in  
19 the testimony of the witness NAKAHARA, Jiro, who  
20 described the atrocities committed on board the sub-

22 PP-102

- 23 d. Ex. 3065, T. 27,366  
24 e. Ex. 1640-A, T. 13,253;  
Ex. 1639-A, T. 13,249  
25 f. Ex. 2037, T. 14,983;  
Ex. 2038, T. 14,995  
g. Ex. 2055-C, T. 15,030

1 marine I-8 against the survivors of torpedoed Allied  
2 merchant ships and stated that the Captain of the  
3 submarine told him that Naval Headquarters had issued  
4 an order that everyone on board enemy vessels was to  
5 be slain.<sup>h</sup> Furthermore, 1st Submarine Force Secret  
6 Operation Order No. 2, which was issued on 20 March  
7 1943 at Truk, expressly authorized the destruction of  
8 the crews of enemy ships.<sup>i</sup> That it was the policy of  
9 the Naval High Command to destroy survivors of  
10 torpedoed ships is also shown by exhibit 3813-A, the  
11 record of a conversation between Ambassador OSHIMA  
12 and Hitler on 3 January 1942, in which Hitler said  
13 he had given the order for German submarines to  
14 surface after torpedoing and to shoot up the lifeboats  
15 and OSHIMA replied that the Japanese also were forced  
16 to follow these methods.<sup>j</sup>

18 PP-103. OKA testified on direct examination  
19 that during his term as Chief of the Naval Affairs  
20 Bureau he had no knowledge of the operational move-  
21 ments of naval units and hence learned of the atroc-  
22 ities against prisoners of war for the first time

23 PP-102

24 h. Ex. 3842, T. 38,141  
25 i. Ex. 2105, T. 15,185  
j. Ex. 3813-A, T. 37,911

1 during this trial. While Chief of the Bureau he  
2 never heard or saw any note of protest.<sup>a</sup> This state-  
3 ment becomes incredible in the light of the statement  
4 of defense witness YAMAMOTO, Yoshio, who served as  
5 Chief of Section One of the Bureau during OKA's  
6 tenure of office, that Admiral SAKAIBARA sent a  
7 telegraphic report to the Navy Ministry concerning  
8 the execution of the 98 United States civilians on  
9 Wake.<sup>b</sup> YAMAMOTO also stated that the Naval Affairs  
10 Bureau did receive some protests concerning atrocities  
11 against survivors of Allied ships.<sup>c</sup> In addition, the  
12 evidence shows that the Japanese Foreign Minister, by  
13 letters dated 12 February 1944 and 11 July 1944,  
14 forwarded notes of protest concerning treatment of  
15 prisoners of war to the Navy Minister.<sup>d</sup> In view of  
16 the fact that copies of protests were received both  
17 by OKA's superior officer, the Navy Minister and his  
18 subordinate, the Chief of Section One, his denial that  
19 he ever saw or heard of any such protests is not  
20 entitled to belief.

21 PP-103

- 22 a. Ex. 3473, T. 33,420-2  
23 b. Ex. 3066, T. 27,379  
24 c. Ex. 3066, T. 27,382  
25 d. Ex. 2173, T. 15,513  
Ex. 473, T. 5,492



1 PP-104. It is submitted that OKA as Chief of the  
2 Naval Affairs Bureau and by virtue of his official  
3 connection with Imperial Headquarters is responsible  
4 not only for failing to take adequate measures for  
5 the protection of prisoners of war in the custody of  
6 the Japanese Navy, but also for reckless disregard  
7 of legal duty leading to an inference of intentional  
8 authorization of atrocities committed against prison-  
9 ers of war.

10 XIV. Conclusion

11 PP-105. There is set forth in an appendix  
12 annexed hereto a brief description of the charges  
13 against OKA and the sections of this Summation which  
14 substantiate such charges. In conclusion, it is sub-  
15 mitted that the evidence fully establishes the guilt  
16 of the accused OKA for his participation in the general  
17 conspiracy to wage wars of aggression and wars in  
18 violation of international law, for planning and  
19 preparing, and for actually initiating and waging such  
20 wars, for murder and conspiracy to murder, and for  
21 violating the laws and customs of war.  
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Appendix to Summation Against OKA

1 Counts 1 - 5 have been substantiated by the facts  
2 summarized in Sections I to XII  
3 inclusive.  
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5 Counts 6 - 17 By Sections I to XII inclusive.  
6 Counts 20 - 22 By Sections IX, X, XI and XII.  
7 Count 24 By Sections IX, X, XI and XII.  
8 Count 27 By Sections II, V, VI, VII, VIII and X.  
9 Count 28 By Sections V, VI, VII, VIII and X.  
10 Counts 29 - 32 By Section XII.  
11 Count 34 By Section XII.  
12 Counts 37 - 43 By Sections IX, X, XI and XII.  
13 Counts 54 - 55 By Section XIII.

14 - - -

15 Mr. Tavenner will now proceed for the  
16 prosecution.

17 THE PRESIDENT: Mr. Tavenner.

18 MR. TAVENNER: If the Tribunal please,

19 OSHIMA, Hiroshi.

20 I. Introduction.

21  
22 QQ-1. The declarations and conduct of OSHIMA,  
23 Hiroshi are of special importance in proving the fact  
24 of conspiracy and the method by which it was sought to  
25 accomplish its aims and objects. Therefore, much of

1 the evidence relating to this accused is set forth  
2 fully in the Summation of Conspiracy. Where references  
3 to this argument are made, the abbreviated term "Summa-  
4 tion" will be used. The principle evidence involving  
5 OSHIMA will be assembled and described under appropri-  
6 ate headings.

7 II. Charges In The Indictment.

8 QQ-2. This accused is charged in the Indictment  
9 under Counts 1 to 5, 6 to 17, 20 to 22, 24, 27 to  
10 32, 34, 37 to 43, 54 and 55, inclusive in each  
11 instance. The nature of the charge under the respective  
12 counts has been fully discussed elsewhere.<sup>a</sup>

13 III. Activities Prior To Appointment  
14 As Military Attache To Germany.

15 QQ-3. On his return to Japan in 1925, after hav-  
16 ing served two years as Assistant Military Attache in  
17 Berlin, and two years as Military Attache in Vienna,  
18 OSHIMA was successively a Battalion and Regimental  
19 Commander, instructor of the Army Heavy Artillery School,  
20 and member of the Inspectorate-General of Military  
21 Training of the Army. He was Chief of the Third Section  
22 of the General Staff with the rank of Colonel, and a  
23 member of the Naval General Staff from August 1931 to

24 QQ-2  
25

a. General Summation, A-1-9.



the spring of 1934, during which period the so-called  
 1 Mukden Incident, the October Incident and the May 15th  
 2 Incident occurred.<sup>a</sup>

3 QQ-4. While a general staff officer, OSHIMA  
 4 became acquainted with others of the accused. TOJO,  
 5 UMEZU and MUTO served with him as army general staff  
 6 officers, and SHIMADA and OKA as navy general staff  
 7 officers. The accused ARAKI and MINAMI were War  
 8 Ministers; KOISO was Director of the Bureau of Military  
 9 Affairs, and SUZUKI was a member of the Bureau of  
 10 Military Affairs, all within the War Ministry. OSHIMA  
 11 conferred with the War Ministry from time to time, as  
 12 his duties required.<sup>a</sup>

14 QQ-5. Although OSHIMA disclaimed connection with  
 15 the Manchurian Incident and the problems of Manchuria,<sup>a</sup>  
 16 he was decorated on April 29, 1934 with the Middle  
 17 Cordon of the Rising Sun in recognition of meritorious  
 18 services rendered in the Incident from 1931 to 1934.<sup>b</sup>

19 QQ-3 a. Ex. 121, T. 766  
 20 Ex. 3508, T. 33,975-6

21 QQ-4 a. T. 34,069  
 22 Ex. 3508, T. 34051.

23 QQ-5 a. Ex. 3508, T. 33,983  
 24 b. Ex. 121, T. 766  
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1 His training, associations and identification with  
2 the General Staff in the formative period of the  
3 conspiracy charged well fitted him for the major  
4 role he subsequently played in carrying out the  
5 purposes of the conspiracy.  
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IV. THE PERIOD OF THE ANTI-COMINTERN PACT

A. Alliance with the Axis

QQ-6. How the ultimate object of the conspiracy was adopted as the basic principle of the national policy of Japan at the Five Ministers' Conference of the HIROTA Cabinet on August 7, 1936, how an alliance with the Axis became a step prerequisite to the execution of the conspiracy, and how Japan chose as her ally Germany, a nation then engaged in a program of military preparation for aggressive action in Europe, are fully presented in the summation.

QQ-7. OSHIMA was sent to Germany as Military Attache in March 1934. The summation adequately presents the part played by OSHIMA in negotiating for an alliance with Germany, the conclusion of the so-called Anti-Comintern Pact and Secret Agreement attached thereto, the quantitative and qualitative strengthening of the pact, and the manner in which Japan, armed by this new alliance, invaded China in July 1937 and engaged in a major war of aggression.

QQ-8. Negotiations for the alliance had their inception through military channels. OSHIMA attempted

- (QQ-6. a. Summation, E-22-23  
b. Summation, F-93-94  
c. Summation, F-94-96)  
(QQ-7. a. Summation, F-96-101  
b. Summation, F-109-111  
c. Summation, F-101-102)  
(QQ-8. a. Ex. 477, T. 5913-6)



to justify this action by explaining that a Military  
 1 Attache is authorized under Japanese regulations to  
 2 negotiate agreements and treaties on purely military  
 3 matters without participation of the Ambassador,<sup>b.</sup> al-  
 4 though subsequently he claimed that the alliance was  
 5 merely an ideological pact against the spread of com-  
 6 munism.<sup>c.</sup> From these two statements by OSHIMA, it is  
 7 all the more apparent that the pact was conceived in a  
 8 military atmosphere, was designed as the basis for  
 9 military cooperation, and was intended to conceal its  
 10 real purposes through the disguise of an ideological  
 11 pact. That the army was the motivating power behind  
 12 the alliance is further apparent from OSHIMA's state-  
 13 ment in his interrogation that "the army had enough  
 14 power to very probably sell the pact to the Japanese  
 15 Government" and that "no treaty could possibly have  
 16 been made on this if the army had not wished it,"<sup>d.</sup>  
 17 although in his affidavit he claimed to have been mis-  
 18 understood.<sup>e.</sup> The recall of German military advisers  
 19 and the suspension of German deliveries of war mater-  
 20 ials were instances of the German support of the Jap-  
 21 anese Army in China.<sup>f.</sup> The Japanese General Staff

(QQ-8. b. Ex. 3508, T. 33986  
 24 c. Ex. 3508, T. 33989  
 d. Ex. 478, T. 5918  
 25 e. Ex. 3508, T. 33984  
 f. Ex. 3811, T. 37900)

near the end of December 1937 sought to utilize the ties with Germany under the Anti-Comintern Pact by directing OSHIMA to request the German Army to make peace offers to Chiang Kai-shek through General Falkenhausen, German military adviser to the Chinese Government.<sup>g.</sup> The purpose of this, however, was not to recede from Japanese aggressive plans but to give a breathing spell in China while preparing to proceed against the alleged enemy in the north.<sup>h.</sup> The special interests of the Japanese Army in Japanese-German cooperation under the Anti-Comintern Pact had a fundamental bearing on OSHIMA's conduct.

B. OSHIMA By-Passed the Embassy in Trade  
Negotiations with Ribbentrop

QQ-9. It was the established policy that the Japanese War Ministry in its planning intended to make use of the reserves and materials of Manchuria and North China and that the integration of the economy of China into that of Japan was a function of the War Ministry and came under its supervision.<sup>a.</sup> The Japanese Army was obligated to Germany for the cooperation and assistance given under the Anti-Comintern Pact and under

(QQ-8. g. Ex. 3508, T. 33990

h. Summation, E-56;  
Ex. 3789-A, T. 37722)

(QQ-9. a. Ex. 847, T. 8436-7; 8443)

1 the plan of the conspirators their continued assist-  
2 ance was required in carrying out the objects of the  
3 conspiracy. Cooperation under the Anti-Comintern Pact  
4 extended to the fields of economics and finance.<sup>b.</sup>  
5 Consequently, the Japanese Army favored the extension  
6 to Germany of preferential trade treatment in North  
7 China, and OSHIMA was of the opinion that "military  
8 considerations worked inevitably in favor of this."<sup>c.</sup>  
9 It is not surprising, therefore, that OSHIMA, the  
10 spokesman for the Army, should advance the Army's views  
11 on this matter.

12 QQ-10. The accused TOGO, who was Japanese  
13 Ambassador to Germany from December 1937 to October 27,  
14 1938, testified that as early as February 1938 an occa-  
15 sion had presented itself for him to tell Ribbentrop  
16 that all important political and economic matters  
17 involving the governments of Germany and Japan should  
18 be transacted exclusively by negotiations between the  
19 Foreign Minister and the Japanese Ambassador, to which  
20 Ribbentrop agreed, but despite this promise he found in  
21 May that Foreign Minister Ribbentrop was still discus-  
22 sing economic problems relating to China with others  
23 than the embassy personnel directly concerned.<sup>a.</sup>

24 (QQ-9. b. Ex. 491, T. 6039  
25 c. Ex. 3811, T. 37901)  
(QQ-10. a. Ex. 3646, T. 35655-6)



1 Although TOGO did not mention the Military Attache  
2 OSHIMA by name, the inference from his testimony was  
3 that Ribbentrop in violation of his assurance that he  
4 would deal only with the Ambassador in connection with  
5 important political and economic matters was considering  
6 economic matters in negotiations with Military Attache  
7 OSHIMA for the "strengthening of the Anti-Comintern  
8 Pact."<sup>b.</sup>

9 QQ-11. OSHIMA adopted this view of the evi-  
10 dence by securing the Tribunal's permission to reopen  
11 his case to disprove that he had by-passed the Embassy  
12 in negotiating on commercial matters in North China  
13 and produced two witnesses on this subject, GODO and  
14 KOJIMA. GODO, whose mission did not concern German  
15 preferential trade negotiations, did not discuss com-  
16 mercial matters with Ribbentrop after 28 February 1938<sup>a.</sup>  
17 and did not discuss with OSHIMA trade matters relating  
18 to North China prior to his departure in April 1938.<sup>b.</sup>

19 KOJIMA's testimony that he never heard of OSHIMA's  
20 participation in trade negotiations with Ribbentrop  
21 is entirely valueless in light of the fact that he  
22 had not known of the talks relating to the proposed  
23

24 (QQ-10. b. Ex. 3646, T. 35658)

25 (QQ-11. a. T. 37089; T. 37098  
b. T. 37094)

Japanese-German alliance until July 1938<sup>c.</sup> when they  
were shown to have begun in January 1938,<sup>d.</sup> and in the  
light of the further fact that as Naval Attache his  
duties did not require him to participate in any man-  
ner in commercial or trade matters.<sup>e.</sup>

QQ-12. When negotiations concerning Japanese-  
German trade cooperation were renewed on 21 December  
1938 shortly after the change in the ambassadors,  
Wiehl, Director of the Commercial Bureau of the German  
Foreign Office, presented Ambassador OSHIMA with Rib-  
bentrop's last proposal which had been given Ambassador  
TOGO on October 6th. At this time OSHIMA confirmed  
TOGO's testimony relating to the by-passing of the  
embassy by stating "on the question of preferential  
treatment he had himself always worked for them but  
that opinion was divided in Japan."<sup>a.</sup>

QQ-11. c. T. 37070  
d. Ex. 497, T. 6051  
e. T. 37069)

QQ-12. a. Ex. 3811, T. 37901)

C. OSHIMA Endeavored to Influence Trade  
Policy in North China.

QQ-13. The Japanese Government demonstrated great reluctance to grant German demands for preferential treatment in North China and in fact advised Germany that "the Japanese Government was not able to assure Germany a better position than all other powers in a treaty form."<sup>a</sup> OSHIMA, who in the meantime had been appointed Ambassador, endeavored to change the attitude of his Government and by so doing ascended to the policy making level. On December 9th, he sent "an energetic telegraphic message to Tokyo to the effect that preferential treatment should be granted in writing and that the practical German difficulties in China should either be removed or the German officials in Tokyo and in China informed in detail by the Japanese officers on what grounds this was presently not yet possible."<sup>b</sup> OSHIMA further promoted and encouraged the exercise of pressure on his Government to yield in this matter by sending letters through a Japanese General to leading figures of the Japanese Army advocating German preferential treatment. OSHIMA's efforts in this direction were

(QQ-13. a. Ex. 592, T. 6588-9  
b. Ex. 3811, T. 37901-2  
c. Ex. 3811, T. 37902)



continued as reflected by the report made by the German Ambassador in Tokyo on the 15th day of March 1939 in which he stated: "OSHIMA has actually telegraphed repeatedly in accordance with our interests." <sup>d.</sup> OSHIMA, in thus following the wishes of Germany and the previously described views of the Japanese Army, was working counter to the policy of his Government. For further confirmation of this statement reference is made to the telegram of Wohltet on 23 January 1942 wherein he called attention to OSHIMA's prior failure to put across his personal views regarding preferential treatment in North China. <sup>e.</sup>

D. OSHIMA Engaged in Espionage and Subversive Activities under the Protocol of the Anti-Comintern Pact.

QQ-14. Japanese-German collaboration under the Anti-Comintern Pact included espionage and subversive activities against Russia. OSHIMA related that in 1937 the German and Japanese armies agreed to exchange intelligence about the Russian military, and in September or October 1938 it was decided to intensify the use of White Russians in this enterprise. <sup>a.</sup> Operations were conducted by USUI, acting under the

(QQ-13. d. Ex. 596, T. 6623.  
e. Ex. 3818, T. 37937)  
(QQ-14. a. Ex. 487, T. 6022)

supervision of OSHIMA, the Military Attache. <sup>b.</sup>

QQ-15. On the 31st day of January 1939,  
 Himmler visited OSHIMA, after which he recorded the  
 substance of their conversation. <sup>a.</sup> OSHIMA denied that  
 Himmler visited him at that time <sup>b.</sup> and offered as  
 witnesses TAKAHASI, Secretary of Protocol to January  
 1939 <sup>c.</sup> and SUGIURA, his successor, <sup>d.</sup> who testified  
 that no request passed through them for a meeting  
 between Himmler and OSHIMA. Whatever value this neg-  
 ative type of testimony would otherwise have had, it  
 is entirely demolished by the statement in the inter-  
 rogation of General KAWABE, Military Attache, made  
 before the lodging of the Indictment, that Himmler  
 and OSHIMA were friendly and that he believed they met  
 quite often, and under ordinary circumstances saw a  
 great deal of one another. <sup>e.</sup> This is confirmed by the  
 witness NOHARA, at page 5 of the unread portion of his  
 affidavit, that Himmler and other notorious leaders  
 of Germany frequently called upon OSHIMA at the  
 Embassy and in turn OSHIMA called upon them. <sup>f.</sup>

QQ-16. Before OSHIMA was confronted with  
 Himmler's record of the conference, he admitted the

(QQ-14. b. Ex. 488, T. 6024)  
 (QQ-15. a. Ex. 489, T. 6026  
 b. Ex. 3508, T. 33991  
 c. Ex. 3501, T. 33923  
 d. Ex. 3502, T. 33924  
 e. T. 33771  
 f. Ex. 811)

1 purchase through his office of real estate in  
2 Falkensee in the name of a middleman for the purpose  
3 of carrying on anti-Soviet propaganda and that propa-  
4 ganda was printed there for distribution in Russia.  
5 He also admitted knowledge of the expulsion of a  
6 Japanese officer by the Afghanistan Government.  
7 In addition to Himmler's record of the conference  
8 reciting the foregoing matters admitted by OSHIMA to  
9 be true, he recorded OSHIMA as having said that he  
10 was undertaking long range work of disintegration of  
11 Russia emanating in the Caucasus and the Ukraine,  
12 that he had succeeded in sending ten Russians with  
13 bombs across the Caucasion frontier with orders to  
14 kill Stalin, that a Japanese officer had worked in  
15 Afghanistan in connection with the Mahammedan movement  
16 but had been expelled because he was suspected of  
17 wanting to overthrow the Afghanistan Government, and  
18 that six Russians were employed in writing and printing  
19 pamphlets at Falkensee. The recital of a discussion  
20 of a treaty by means of which the triangle Germany-  
21 Italy-Japan would assume a firmer shape also lends  
22 weight to the validity of Himmler's report due to the  
23 fact that OSHIMA was engaged at that time in discussing  
24 such a treaty and such discussions as will presently  
25 (QQ-16. a. Ex. 488, T. 6024-5.)



1 be seen were being conducted outside of usual diplo-  
2 matic channels. <sup>b.</sup> OSHIMA's denial of the contents  
3 of this written report is unimpressive. <sup>c.</sup>

4 THE PRESIDENT: We will recess for fifteen  
5 minutes.

6 (Whereupon, at 1445, a recess was  
7 taken until 1500, after which the proceedings  
8 were resumed as follows:)

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23 (QQ-16. b. Ex. 489, T. 6026-7  
24 c. Ex. 3508, T. 33993.)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Tavenner.

4 MR. TAVENNER: If it please the Tribunal:

5 V. The Period of Negotiations for a Stronger  
6 Military Alliance.

7 A. The Need of a Stronger Alliance with the  
8 Axis.

9 QQ-17. Although the accused, acting through  
10 their leaders, mobilized the entire strength of the  
11 nation for its war against China, they were unable to  
12 conclude the so-called China Incident. Consequently,  
13 they were brought to a realization of the necessity  
14 for closer collaboration with Germany as demonstrated  
15 by the future course of negotiations between the two  
16 powers. These negotiations and the role played by  
17 OSHIMA are faithfully depicted in the summation. <sup>a.</sup> They  
18 are worthy of close study as they demonstrate clearly  
19 the personal guilt of the accused OSHIMA. A detailed  
20 recounting of this testimony will not be made.

21 B. The Army Acting through OSHIMA Moved for  
22 German Aid.

23 QQ-18. OSHIMA, in following the directions  
24 of the General Staff, approached Ribbentrop in January  
25 (QQ-17. a. Summation, F-111-25.)

1 1938 on the question of assistance in bringing the so-  
2 called China Incident to a close. Ribbentrop thereupon  
3 suggested the advisability of bringing Germany and  
4 Japan closer together by means of a treaty. This infor-  
5 mation was conveyed to the General Staff and according  
6 to the interrogation of OSHIMA a reply was received in  
7 June approving the furtherance of German-Japanese  
8 cooperation. Although OSHIMA stated that he did not  
9 remember the details of this communication, he admitted  
10 that an agreement to act in accord in dealing with  
11 Soviet Russia was to be kept uppermost in mind.<sup>a.</sup>

12 QQ-19. OSHIMA's alleged inability to remember  
13 the contents of this communication does not deprive  
14 the Tribunal of the true facts for on the 26th day of  
15 April 1939, Ribbentrop wired Ambassador Ott what had  
16 transpired.<sup>a.</sup> He stated that in the summer of 1938,  
17 General OSHIMA gave him the information that "the time  
18 had come in the opinion of the Japanese Army to conclude  
19 a general defensive alliance between Germany, Italy and  
20 Japan." The Japanese Army's suggestion for the alliance  
21 pact included "granting of help and assistance in case  
22 one of the three powers should be attacked without  
23 provocation by another power."

24 (QQ-18. a. Ex. 497, T. 6051-2.  
25 QQ-19. a. Ex. 502, T. 6098.)



1 QQ-20. This demonstrates that from the very  
2 inception of negotiations, at a time prior to OSHIMA's  
3 sending of KASAHARA to Japan with a draft of the pro-  
4 posed treaty, the Japanese Army had advocated and  
5 proposed through OSHIMA a general alliance and one  
6 applying to all countries, as distinguished from one  
7 limited to Russia. OSHIMA's testimony that the draft  
8 of the proposed alliance which he sent by KASAHARA to  
9 Tokyo was Ribbentrop's proposal<sup>a</sup> is due either to an  
10 intentional or an actual failure of OSHIMA's recol-  
11 lection. It was this type of an alliance that the  
12 accused both within and without the government needed  
13 in perfecting the objects of the conspiracy, and for  
14 which OSHIMA so consistently, strenuously and stub-  
15 bornly worked.

16 C. OSHIMA By-Passed the Embassy in Negotia-  
17 tions for the Alliance.

18 QQ-21. The accused TOGO testified that nego-  
19 tiations for the alliance were conducted by Military  
20 Attache OSHIMA in violation of Ribbentrop's assurance  
21 that he would deal only with the Japanese Ambassador  
22 in connection with important political and economic  
23 matters,<sup>a</sup> and the defense witness NARITA testified that

24 (QQ-20. a. Ex. 3508, T. 33,998.  
25 QQ-21. a. Ex. 3646, T. 35,658.)

1 Military Attache OSHIMA carried on negotiations for  
2 the alliance without consulting Ambassador TOGO.<sup>b.</sup> The  
3 unusual manner in which the discussions relating to  
4 the alliance were conducted was commented upon by  
5 Ribbentrop in his telegram to Ambassador Ott on the  
6 26th day of April 1939, wherein he stated that the  
7 discussions between Berlin, Rome and Tokyo had "for  
8 special reasons and in accordance with agreements made  
9 with the other partner been conducted outside usual  
10 diplomatic channels."<sup>c.</sup> From only a casual considera-  
11 tion of the record, it will appear that the paramount  
12 reason for conducting these discussions outside of the  
13 usual diplomatic channels was the desire of the conspi-  
14 rators to keep the negotiations secret until the pro-  
15 pitious moment should arrive.

16 D. OSHIMA and Ribbentrop Wanted an Alliance  
17 Aimed at All Nations.

18 QQ-22. It has been pointed out that the General  
19 Staff advised Military Attache OSHIMA in June 1938  
20 that the time had come to conclude a general defensive  
21 treaty, one which would provide help and assistance in  
22 case one of the three powers should be attacked with-  
23 out provocation by another power.<sup>a.</sup> In July, OSHIMA

24 (QQ-21. b. T. 35,400.  
25 c. Ex. 502, T. 6098.  
QQ-22. a. Ex. 502, T. 6098.)

1 explained the proposals he and Ribbentrop had discussed  
2 to Naval Attache KOJIMA and the Assistant Naval and  
3 Military Attaches. <sup>b.</sup> According to the testimony of  
4 KOJIMA on cross-examination, OSHIMA told them that  
5 Ribbentrop had expressed the view "that the situation  
6 had changed materially and that Germany was now concerned  
7 about Great Britain and France," and that the situation  
8 in China demanded close cooperation between Germany  
9 and Japan "in order to solve the China Incident."  
10 OSHIMA then advised his listeners that he was in favor  
11 of Ribbentrop's ideas, but he was afraid the Navy would  
12 not agree to them. KOJIMA, in wiring the Navy General  
13 Staff regarding the conference, was unable to recall  
14 the contents of the wire except for one matter with  
15 which he said he was very much concerned at that time.  
16 The matter to which he referred conclusively shows  
17 that OSHIMA and Ribbentrop advocated an alliance against  
18 all nations. He said that he pointed out in his tele-  
19 gram that the inclusion of the phrase "any nation"  
20 would in his opinion lead to war with the United States  
21 and Great Britain. <sup>c.</sup>

22  
23 QQ-23. General KAWABE, another defense  
24 witness, testified on cross-examination that Hitler,  
25 Ribbentrop, OSHIMA and he saw eye to eye on the proposal  
(QQ-22. b. T. 37,070-2. c. T. 37,070-5.)



1 which obligated Japan to engage in war on the side of  
 2 Germany if Germany should become involved in war with  
 3 England. KAWABE also testified that he learned from  
 4 telegrams which came from the General Staff office in  
 5 Tokyo that the view of the Japanese Government as  
 6 distinguished from OSHIMA's and Ribbentrop's was that  
 7 Japan would go to war in case of a German-Russian con-  
 8 flict but could not promise to enter into hostilities  
 9 in case of a conflict between Germany and Great Britain.

10 QQ-24. Notwithstanding this pointed testimony  
 11 by the Naval and Military Attaches serving with him,  
 12 OSHIMA categorically denied that he advocated an  
 13 alliance with Germany which would obligate Japan to  
 14 participate in a European war between Germany and  
 15 England whether Russia was in the war or not,<sup>a.</sup> and  
 16 he extended his denial to the statement that "No ques-  
 17 tion arose in connection with British involvement."<sup>b.</sup>

18 QQ-25. That OSHIMA favored an alliance with  
 19 Germany aimed at nations other than Russia is confirmed  
 20 by Foreign Minister ARITA's report to the Emperor on  
 21 8 April 1939 in which he stated that "Ambassadors  
 22 OSHIMA and SHIRATORI made a clarification, which  
 23 reported their own opinion only, to Germany and Italy  
 24

25 (QQ-23. a. T. 33,774-6.

QQ-24. a. T. 34,091.

b. T. 34,092.)

1 of the Empire's intention to fight in the event that  
2 these should wage war with England and France \* \* \* " a.

3 Throughout the entire course of the negotiations for  
4 the military alliance the fact stands out that OSHIMA  
5 continuously advocated a strong military alliance  
6 against all nations.

7 E. OSHIMA Appointed Ambassador in Order to  
8 Bring About the Alliance.

9 QQ-26. As pointed out before the proposed  
10 alliance was discussed by Military Attache OSHIMA and  
11 Ribbentrop from January to September 1938 in violation  
12 of the assurance by Ribbentrop to Ambassador TOGO that  
13 such matters would be discussed through diplomatic chan-  
14 nels only. After action was taken at the Five Ministers'  
15 Conference near the end of August, 1938, TOGO allegedly  
16 advised the Foreign Office of his objections to a  
17 Tripartite Pact, and shortly thereafter his transfer  
18 to the post of Ambassador to the U.S.S.R. was effected  
19 by the Foreign Minister. a.

20  
21 QQ-27. The army put forward OSHIMA's name  
22 for the ambassadorship and the General Staff Headquar-  
23 ters repeatedly urged him to accept the appointment.  
24 His appointment was also urged by General ITAG'KI, the

25 (QQ-25. a. Ex. 3798-A, T. 37,779.  
QQ-26. a. Ex. 3646, T. 35,659-60.  
T. 34,100.)

1 War Minister. Although these facts were at first denied  
2 by OSHIMA, he admitted having so stated in his inter-  
3 rogation. <sup>a.</sup> The communication from the Foreign Minister  
4 to the Premier requesting that the Emperor's approval <sup>b.</sup>  
5 be obtained for the appointment of OSHIMA as Ambassador  
6 and the letter from the Foreign Minister to the War  
7 Ministry inquiring whether the appointment of the  
8 Military Attache to the position of Ambassador was  
9 objectionable to the War Ministry <sup>c.</sup> were matters of  
10 form to be complied with in the elevation of any mili-  
11 tary officer to the post of Ambassador and it is sub-  
12 mitted, does not constitute even an inference adverse  
13 to the position that OSHIMA's appointment was in fact  
14 sponsored by the General Staff and War Minister ITAGAKI.

15 QQ-28. The unusual, if not wholly unprecedented,  
16 occurrence of army selection of an ambassador from its  
17 own ranks was designed to secure the continuance of  
18 negotiations by a protagonist of their views. That  
19 replacement of TOGO by OSHIMA was a well-conceived  
20 plan by the conspirators in which OSHIMA participated  
21 to promote early conclusion of the alliance is shown  
22 by the statement of General KAWABE on cross-examination  
23 that before his departure for Berlin he learned from  
24

25 (QQ-27. a. T. 34,111-3.  
b. Ex. 3523, T. 34,340.  
c. Ex. 3523-B, T. 34,342.



Chief of the Intelligence of the General Staff that  
 1 "OSHIMA had been named Ambassador in order to bring  
 2 about this alliance."<sup>a</sup> It is thus apparent that the  
 3 appointment of OSHIMA to the ambassadorial post was in  
 4 itself part of the plan of the conspirators to effect  
 5 the objects of the conspiracy. That he lent himself  
 6 to and was a part of this enterprise is abundantly clear  
 7 from his course of conduct.

8 F. OSHIMA Advocated an Alliance which Included  
 9 Provisions Not Acceptable to His Government.

10 QQ-29. The negotiations already alluded to  
 11 show it was contemplated that the general defensive pact  
 12 should take the form of a triple alliance between Japan,  
 13 Germany and Italy. OSHIMA testified that while Military  
 14 Attache, he received a report of the decision of the  
 15 Five Ministers' Conference on the draft proposal which  
 16 KASAHARA had delivered to Tokyo, and that he promptly  
 17 transmitted it to Ribbentrop.<sup>a</sup> The two telegrams com-  
 18 prising a single instruction were identified by OSHIMA<sup>b</sup>  
 19 in cross-examination and are analyzed elsewhere.

20 QQ-30. OSHIMA testified that in this report  
 21 to Ribbentrop he committed Japan against the policy of  
 22 limiting Japan's duty of military assistance to cases  
 23

24 (QQ-28. a. T. 33,774.  
 25 QQ-29. a. Ex. 3508, T. 33,999.  
 b. Summation, F-112-3 and F-115-6.)

a. This the  
where Soviet Russia alone was involved. This the  
1 prosecution contends was contrary to the conditions  
2 and reservations under which general approval to the  
3 conditions and reservations under which general approval  
4 was given by the Five Ministers' Conference. However,  
5 OSHIMA's action was in accordance with the policy there-  
6 tofore advocated by Ribbentrop, OSHIMA and the Japanese  
7 Army as previously alluded to. OSHIMA's efforts to  
8 impress this policy on his government will be treated  
9 in more detail under subsequent headings.

10 QQ-31. USAMI, formerly counselor of the  
11 Japanese Embassy in Berlin, testified that a telegram  
12 was received from the Foreign Ministry stating that a  
13 question had arisen as to whether countries other than  
14 Soviet Russia should be included in the object of the  
15 pact.<sup>a.</sup> This telegram was received around the end of  
16 November or early in December 1938.<sup>b.</sup>

17  
18 QQ-32. With knowledge of the conditions and  
19 reservations upon which approval of the draft had been  
20 stipulated in the telegrams of instructions and with  
21 full knowledge of the question that had been raised by  
22 the Japanese Government as to whether countries other  
23 than Soviet Russia should be included in the object of

24 (QQ-30. a. T. 34,003.  
25 QQ-31. a. Ex. 3494, T. 33,733-4.  
b. T. 33,756.)

1 the pact as disclosed by the November or early December  
2 telegram, OSHIMA, at the request of Ribbentrop, made a  
3 trip to Rome in the middle of December, and in a con-  
4 ference with Mussolini endeavored to influence Italy to  
5 unite in the alliance. <sup>a.</sup>

6 QQ-33. Early in January 1939 Mussolini com-  
7 municated to Ribbentrop his decision to unite in the  
8 proposed alliance, <sup>a.</sup> and Count Ciano noted in his diary  
9 on January 7, 1939, that Ribbentrop had sent him the  
10 text of the pact. <sup>b.</sup> The text had been worked out by  
11 direct consultations on the part of Ribbentrop with  
12 OSHIMA and Ciano, and its application was not restricted  
13 to Russia alone. <sup>c.</sup>

14 QQ-34. This action on the part of OSHIMA in  
15 seeking Italian participation in an alliance known to  
16 include provisions not acceptable to his government was  
17 designed to influence Japanese diplomatic policy in con-  
18 formity with the aims and objects of the conspiracy.  
19

20 (QQ-32. a. Summation, F-114.  
21 QQ-33. a. Ex. 497, T. 6061.  
22 b. Ex. 499-A, T. 6092.  
23 c. Ex. 502, T. 6099.)  
24  
25





Japanese diplomats in Europe. General KAWABE,  
1 Military Attache to Germany, testified that OSHIMA, in  
2 an effort to establish his own views regarding the  
3 propriety of a Japanese-German alliance which would  
4 obligate Japan to participate in an European war if  
5 England became involved in a war with Germany, made a  
6 tour of important countries in Europe for the purpose  
7 of consulting the Japanese Ambassadors stationed in  
8 those countries. Among those consulted were SHIGEMITSU  
9 in London and KURUSU in Belgium.<sup>a.</sup> This oc-  
10 curred in February 1939 prior to the arrival of the  
11 ITO Commission.<sup>b.</sup>  
12

13 QQ-37. It does not appear that these efforts  
14 were productive of the results that OSHIMA hoped for  
15 so an hurried attempt was made to perfect another  
16 scheme to influence the policy of his government.  
17 OSHIMA planned the calling of a meeting in Berlin of  
18 all Ambassadors stationed in Europe on the occasion  
19 of the arrival of the ITO Commission. The need was  
20 so urgent that without first obtaining approval of  
21 his Foreign Office, OSHIMA telegraphed TOGO, and  
22 presumably other Ambassadors, that he was requesting  
23 Foreign Ministry approval for the calling of such a  
24

25 QQ-36. a. T. 33780-3.  
b. T. 34120.

1 meeting. Because of the difficulties in travel,  
2 TOGO left Russia, where he was then Ambassador before  
3 obtaining directions from his home government, and  
4 on his arrival in Berlin learned that Foreign  
5 Ministry approval for the calling of the meeting had  
6 been denied.<sup>a.</sup> Notwithstanding this lack of approval,  
7 we find in addition to TOGO, KURIYAMA, Minister to  
8 Sweden, AMAU, Minister to Switzerland, SAKO, Ambassa-  
9 dor to Poland, and SHIRATORI were on the scene at  
10 varied intervals but on early dates after the arrival  
11 of the ITO Commission.<sup>b.</sup> OSHIMA endeavored to explain  
12 their presence by testifying that:

13 "It has been sort of a custom of officials  
14 of the Japanese Foreign Office to take various oppor-  
15 tunities to visit other posts for the purpose of  
16 liaison and exchange of information from time to  
17 time."<sup>c.</sup>

18 and when asked on cross-examination if TOGO came at his  
19 own suggestion or OSHIMA's, he replied that he came at  
20 his own initiative.<sup>d.</sup> The purpose in the plan to call  
21 the meeting of Ambassadors is easily discernible from  
22 the views OSHIMA admitted having probably expressed in  
23 a meeting between SHIRATORI, TOGO and himself, namely,  
24

25 QQ-37. a. Ex. 3646, T. 35661. c. T. 34124.  
b. T. 34121-3.  
c. T. 34123.



1 that Germany and Italy were rising powers in Europe  
 2 and to align with them would be allowing Japan to  
 3 improve her position in East Asia.<sup>e.</sup>

4 H. OSHIMA and SHIRATORI Rejected the  
 5 Government's Policy Communicated to Them by the ITO  
 6 Commission and Refused to Officially Transmit it to  
 7 German and Italian Representatives.

8 QQ-38. The ITO Commission arrived in Berlin  
 9 late in February 1939.<sup>a.</sup> OSHIMA admitted that the  
 10 Commission advised him of the government's views  
 11 regarding the proposed pact and directed him to carry  
 12 out negotiations in accordance therewith<sup>b.</sup> and to work  
 13 within those views.<sup>c.</sup>

14 QQ-39. Count Ciano made an entry in his  
 15 diary on March 8, 1939 that OSHIMA and SHIRATORI had  
 16 refused to communicate through official channels the  
 17 Japanese reply on the Tri-Partite alliance in which  
 18 the intention was expressed of regarding the pact as  
 19 exclusively anti-Russian.<sup>a.</sup> Ribbentrop, in his wire  
 20 to Ott on the 26th of April 1939, also stated that  
 21 OSHIMA and SHIRATORI had refused to officially present  
 22 to Germany and Italy the Japanese proposal to limit  
 23

24 QQ-37. e. T. 34124.

25 QQ-38. a. Ex. 3494, T. 33736. c. Ex. 497, T. 6079;  
 b. Ex. 497, T. 6071. Ex. 3508, T. 34002.

QQ-39. a. Ex. 501, T. 6096.

1 the mutual obligations of assistance to the case of a  
 2 war with Russia.<sup>b.</sup> OSHIMA attempted to dispose of  
 3 these independent statements of Ciano and Ribbentrop  
 4 by a wave of the hand, so to speak, in testifying,  
 5 "This was clearly not the case."<sup>c.</sup> Reference is  
 6 made to the summation for a discussion of these  
 7 incidents and the untrustworthiness of OSHIMA as a  
 8 witness.<sup>d.</sup>

9 QQ-40. OSHIMA cabled his views to Tokyo in  
 10 opposition to the proposals.<sup>a.</sup> The telegram contain-  
 11 ing OSHIMA's views is not available, but the SAIONJI-  
 12 HARADA Memoirs gives a clear insight as to what  
 13 actually transpired and the extent to which OSHIMA  
 14 went in his efforts to impose his convictions upon  
 15 the government and influence and direct Japanese  
 16 policy. OSHIMA's conduct was such as to occasion a  
 17 statement by the Deputy Chief of Army General Staff  
 18 to the Lord Keeper of the Privy Seal that he had  
 19 "strictly warned Ambassador OSHIMA that the supreme  
 20 authority of diplomacy is vested in the Emperor" and  
 21 cautioned him that he should not forget his position  
 22 by expressing as his own the opinions of Germany.<sup>b.</sup>

24 QQ-39. b. Ex. 502, T. 6100.

c. Ex. 3508, T. 34005; d. Summation, F-117-9.

25 QQ-40. a. Ex. 3508, T. 34003. b. Ex. 3795-A, T. 37767.

1 OSHIMA denied that any such warning was in fact given  
2 him.<sup>c.</sup> Foreign Minister ARITA bitterly complained  
3 to the army that the General Staff was conducting  
4 diplomatic negotiations without consulting the Foreign  
5 Minister and that Ambassador OSHIMA had telegraphed  
6 the General Staff concerning the strengthening of the  
7 Anti-Comintern Pact without the knowledge of the  
8 Foreign Minister.<sup>c.</sup> This likewise was denied by  
9 OSHIMA.<sup>e.</sup>

10 QQ-41. In the interval of time between the  
11 arrival of the ITO Commission and the government's  
12 reply to OSHIMA's objections, OSHIMA and SHIRATORI  
13 continued to express disapproval of the government's  
14 policy resulting in the following declaration by the  
15 Foreign Minister:

16 "... No matter what they (Ambassadors to  
17 Rome and Berlin) might say the (Japanese) Government  
18 cannot cancel its decision. All we have to do is to  
19 change the Ambassadors if they are going to rush to  
20 conclusions and say that the decisions (of the Japanese  
21 Government) will not do. . . . In all cases we wired  
22 back instructions (to both Ambassadors) to do as  
23 recommended by the Japanese Government."<sup>a.</sup>

24 QQ-40. c. T. 34126. d. Ex.3796-A, 37771. e.T.34125-6.  
25 QQ-41. a. Ex. 3797-A, T. 37773.



Again OSHIMA denied receiving the instructions from the  
b.  
Foreign Minister.

QQ-42. This action of OSHIMA in rejecting the Government's policy was conduct which exceeded the normal functions of an ambassador and is evidence conclusively showing the influence he sought to and did exercise over the government's policy.

I. OSHIMA and SHIRATORI Considered New Government Proposals to be "Impossible," and Again Refused to Officially Communicate Them to German and Italian Governments.

QQ-43. The Japanese Government partially succumbed to the influence of those who opposed the proposals delivered by the ITO Commission and around the end of March recommended its stand and forwarded to the Ambassadors new instructions.<sup>a.</sup> Ribbentrop, in

his telegram of April 26, 1939, to Ambassador Ott, described the proposal and related what transpired in the conference in early April when the new Japanese proposals were unofficially made known to him and Count Ciano.<sup>b.</sup> It was on this occasion that the Ambassadors branded the new proposals as "impossible" and refused to officially deliver the proposals to the

QQ-41. b. T. 34129.

QQ-43. a. Ex. 3508, T. 34005. b. Ex. 502, T. 6100-2.

German and Italian Governments. Reference is made to  
the comments in the summation relating to this incident.<sup>c</sup>  
OSHIA denied that he refused again at this time to  
carry out his instructions, but he was silent on the  
question of his opposition to the proposals.<sup>d.</sup>

QQ-43. c. Summation, F-120.  
d. Ex. 3508, T. 34005-7.

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1 J. OSHIMA Endeavored to Influence Japanese  
2 Policy by Threatening to Resign as Ambassador.

3 QQ-44. When OSHIMA and SAIRATORI refused to  
4 communicate through official channels the proposals  
5 brought by the ITO Commission, they, according to Ciano  
6 and Ribbentrop, requested Tokyo to accept the pact of  
7 alliance without reservations under the threat of re-  
8 signing their ambassadorial posts. This incident is  
9 fully discussed in the surmation,<sup>a.</sup> and is confirmed by  
10 ARITA in his statement that the Five Ministers' Confer-  
11 ence of April 26, 1939, considered an urgent request  
12 which had come from OSHIMA and SHIRATORI for their re-  
13 call.<sup>b.</sup> In the face of the foregoing separate and  
14 independent statements by Count Ciano, the Reich Foreign  
15 Minister Ribbentrop and Foreign Minister ARITA regard-  
16 ing the Ambassadors' threat to resign, OSHIMA denied  
17 that it occurred.<sup>c.</sup>

18 QQ-45. The threat of resignation by the  
19 Ambassadors was a matter of real consequence. KIDO  
20 anticipated the possibility of its affecting peace and  
21 order within the nation.<sup>a.</sup> The telegram of Military  
22 Attache BANZAI at a later date stated that OSHIMA's  
23 resignation would cause a fiasco in Japan's foreign  
24

25 (QQ-44. a. Surmation, F-117-9.  
b. Ex. 3800-A, T. 37808.  
c. Ex. 3508, T. 34004-5.  
QQ-45. a. Ex. 3800-A, 37808.)



b.  
policy. Not only did the threat of resignation serve  
to strengthen Germany and Italy in their positions with  
regard to the pact, but it served the purpose of wring-  
ing additional concessions from the Japanese Government  
to meet the views of Hitler, Ribbentrop, OSHIMA,  
SHIRATORI, and their co-conspirators, including especi-  
ally War Minister ITAGAKI and the military group. View-  
ing the evidence as a whole, there is little doubt that  
the fall of the HIRANUMA Cabinet would have been pre-  
cipitated by a total collapse of negotiations for a  
military alliance as would have occurred had the  
Ambassadors resigned, just as it finally occurred when  
negotiations collapsed as a result of the conclusion of  
the German-Russian Non-Aggression Pact.

QQ-46. As a counter measure to the threat of  
resignation, it was decided by the Five Ministers'  
Conference of 25 April 1939 that communication be made  
directly by the Premier with Hitler and Mussolini  
through the German and Italian Ambassadors at Tokyo  
instead of using the Japanese Ambassadors stationed in  
Berlin and Rome. This counter proposal took the form  
of what is known as "The HIRANUMA Declaration of May 4,  
1939," a full discussion of which appears in the "

(CC-45. b. Ex. 3814, T. 37916.  
(CC-46. a. Ex. 3800-A, T. 37808.)

1 surmation. <sup>b.</sup> This proposal yielded further to the  
2 influence of the two Ambassadors in that it provided  
3 that military assistance would be given against nations  
4 other than Russia "to the extent possible." The effec-  
5 tiveness of OSHIMA's efforts in drawing Japan further  
6 and further into the strong military alliance sought by  
7 the conspirators was inferentially admitted to OSHIMA  
8 when he testified that the HIRANUMA message to Hitler  
9 "was thus strongly in support of the line of negotiations  
10 which I was pursuing at that time." <sup>c.</sup>

11 K. OSHIMA Exceeded His Authority in Advising  
12 Ribbentrop that Japan Would Participate in War.

13 QQ-47. The reservations and secret understand-  
14 ing specified in the proposals brought by the ITO Com-  
15 mission limited the obligation of war participation on  
16 the part of Japan to nations which had embraced Commun-  
17 ism. These reservations were altered in the new pre-  
18 posals delivered to the Ambassadors during the latter  
19 part of March. According to the statement of OSHIMA,  
20 the reservation with regard to Communism was eliminated  
21 and there was substituted for it the duty on the part of  
22 Japan to give aid consisting of military advice. By  
23 military advice OSHIMA explained was meant trading of  
24

25 (QQ-46. b. Summation, F-120.  
c. Ex. 3508, T. 34009.)

1 intelligence, temporary leasing of bases, export of  
 2 fuel oil and other commodities, and in general "all aid  
 3 outside actual participation."<sup>a.</sup> OSHIMA admitted he  
 4 advised Ribbentrop that by the new proposal in late  
 5 March, Japan accepted in principle the duty of war par-  
 6 ticipation in case of Germany and Italy's being attacked  
 7 by countries other than Soviet Russia,<sup>b.</sup> but he denied  
 8 stating specifically that Japan would actually partici-  
 9 pate in war.<sup>c.</sup> Foreign Minister ARITA, as we have seen,  
 10 reported to the Emperor on April 8, 1939, that Amba-  
 11 sadors OSHIMA and SHIRATORI acted without regard to the  
 12 wishes of the central authorities and overstepped their  
 13 authority in replying to Germany and Italy that Japan  
 14 intended to fight in the event these two powers should  
 15 wage war with England and France.<sup>d.</sup> This was followed  
 16 by a conference between the Emperor and War Minister  
 17 ITAGAKI, in which the Emperor charged that the Amba-  
 18 sadors had infringed upon his supreme authority and  
 19 personally reprimanded ITAGAKI for adopting the attitude  
 20 of supporting them under such circumstances and expressed  
 21 dissatisfaction with "the War Minister's deviation from  
 22 the subject at each meeting of the Cabinet,"<sup>e.</sup> though

24 (CC-47. a. Ex. 497, T. 6065.  
 25 b. Ex. 3506, T. 34006.  
 c. T. 34135-6.  
 d. Ex. 3798-A, T. 37779.  
 e. T. 30492-3.)



f.  
this conference with the Emperor was denied by ITAGAKI.

1 QQ-48. Ribbentrop, after the receipt of the  
2 HIRANUMA declaration, asked OSHIMA whether Japan could be  
3 considered as being in a state of war in the event  
4 Germany should go to war against a third nation even if  
5 no military aid from Japan were given, to which OSHIMA  
6 replied in the affirmative. Foreign Minister ARITA  
7 commented that it was indeed inexcusable for OSHIMA on  
8 his own authority to propose such a thing as "partici-  
9 pation in war" and to make such an arbitrary reply.

10 Premier HIRANUMA and War Minister ITAGAKI upheld OSHIMA's  
11 answer.<sup>a.</sup> The Foreign Minister proposed the annulment

12 of Ambassador OSHIMA's reply to Ribbentrop at the Five  
13 Ministers' Conference of May 20th but OSHIMA's action  
14 was left unrescinded.<sup>b.</sup> OSHIMA was noncommittal and

15 evasive when questioned about this matter.<sup>c.</sup>

16 L. OSHIMA Again Refused to Officially Transmit  
17 His Government's Policy to Germany.  
18

19 QQ-49. On May 28th, 1939, Ribbentrop wired  
20 Ambassador Ott that formal communication of the May 20th  
21 decision of the Japanese Government had not been made and  
22 Ott was instructed to make certain representations to the  
23 Japanese Government regarding this delay. In the same  
24

25 (QQ-48. a. Ex. 3801-C, T. 37823-4; Ex. 3802-A, T. 37824.  
b. Ex. 3803-A, T. 37825-7.  
c. T. 34138.)

1 telegram Ribbentrop stated he had been confidentially  
2 and unofficially informed by OSHIMA that OSHIMA had  
3 received a telegram from Foreign Minister ARITA accord-  
4 ing to which the Japanese Government wished to reserve  
5 entrance into a state of war in case of European con-  
6 flict and that he had sent a very energetic telegram to  
7 ARITA refusing to pass this point of view on to the  
8 German Government. <sup>a.</sup> OSHIMA denied the foregoing by  
9 stating that in this conference with Ribbentrop he told  
10 him that he cabled to ARITA his observations upon an  
11 instruction concerning the Gaus draft and that Ribben-  
12 trop had misunderstood this intentionally or uninten-  
13 tionally. <sup>b.</sup> The truth of Ribbentrop's report and the  
14 falsity of OSHIMA's denial is confirmed by Ambassador  
15 Ott's telegram of May 27, 1939, in which he advised  
16 Ribbentrop that a spokesman for the Army had said that  
17 the Foreign Minister wired the May 20th decision of  
18 the Five Ministers' Conference to Berlin and Rome "in a  
19 form which the Army rejects because it does not auto-  
20 matically fix the entrance into a state of war against  
21 England and France, but proposes to make it depend on  
22 the situation at the time," and that the Japanese Am-  
23 bassadors in Berlin and Rome had refused transmittal of  
24 (66-49. a. Ex. 2230, T. 15991.  
25 b. Ex. 3508, T. 34010.)

1 this decision to the government to which they were  
2 accredited.<sup>c.</sup>

3 QQ-50. In Ribbentrop's wire of May 28th OSHIMA  
4 is quoted as having stated that after sending the "very  
5 energetic telegram" to ARITA, the War Minister requested  
6 him by wire "to hold off until later against ARITA in  
7 order not to disturb the discussions among the various  
8 factors in Tokyo," and that the "Army is firmly resolved  
9 to fight the matter out quickly and even at risk of a  
10 Cabinet overthrow."<sup>c.</sup> OSHIMA explained that although  
11 he did not receive a telegram from ITAGAKI, the Military  
12 Attache KAWABE did and that this telegram allegedly in  
13 answer to one from KAWABE criticizing the equivocal  
14 attitude of the Government advised KAWABE (1) that it  
15 would be better to keep quiet now as the atmosphere of  
16 the Five Ministers' Conference is inclined to favor the  
17 conclusion of a treaty, and (2) that he had no intention  
18 whatsoever to overthrow the present Cabinet.<sup>b.</sup> Clause  
19 (1) is in substance the same statement that Ribbentrop  
20 reported was made by OSHIMA. Clause (2) is in direct  
21 conflict with the statement Ribbentrop attributed to  
22 OSHIMA, namely, that the Army was firmly resolved to  
23 fight the matter out quickly even at the risk of a  
24

25 (QQ-49. c. Ex. 3746, T. 37409.  
QQ-50. a. Ex. 2230, T. 15991.  
b. Ex. 3508, T. 34011; Ex. 2651, T. 33770.)



1 Cabinet overthrow. That ITAGAKI did entertain those  
 2 views cannot successfully be contradicted in the light  
 3 of exhibit 2198, T. 34,141 and 34,145. This exhibit  
 4 includes two telegrams from Ott, the first of which,  
 5 bearing date August 11, 1939, reports that the Army had  
 6 resumed at the Five Ministers' Conference a bitter  
 7 battle for the alliance and that "the War Minister is  
 8 resolved as a last resort to risk his resignation" and  
 9 the second of which, bearing date August 18, 1939,  
 10 reported that since the War Minister was unable to  
 11 break through the unanimous front of the other ministers  
 12 he claimed his resignation unavoidable. This evidence  
 13 as a whole, it is submitted, fully establishes the  
 14 Ribbentrop telegram as a trustworthy and corroborated  
 15 document.

16 QQ-51. Attention should be called to OSHIMA's  
 17 denial that he at any time while Ambassador communicated  
 18 either directly or indirectly with the War Ministry or  
 19 the General Staff.<sup>a.</sup> General KAWABE testified that as  
 20 Military Attache it was his duty to convey the views  
 21 and opinions of the Army to the Ambassador and to  
 22 transmit the views and opinions of the Ambassador to the  
 23 Army,<sup>b.</sup> and this is precisely what he did with regard  
 24 to the exchange of communications with the War Minister  
 25

(QQ-51. a. Ex. 3508, T. 34011; T. 34125.  
 b. T. 33779.)

as described in the preceding paragraph. Another instance where this was shown to have occurred is the BANZAI telegram of 3 May 1941 at the time OSHIMA was making an effort to block MATSUOKA's trip to the United States.<sup>c.</sup> Although OSHIMA may not have communicated directly with the War Minister or the General Staff, it is quite apparent from this evidence that he used his Military Attache for that purpose when the occasion required it. The procedure also worked in reverse as shown by the Ott telegram of 11 August 1939 when General MACHIJIRI, Chief of the Central Section of the War Ministry, advised that the War Minister would bypass the Foreign Ministry and communicate certain facts to OSHIMA and SHIRATORI.<sup>d.</sup>

M. OSHIMA Withheld Delivery of Japan's Protest to Serve Political Purposes.

QQ-52. OSHIMA deliberately disobeyed an order by the Japanese Government to deliver a sharp protest to the German Government on the conclusion of the German-Russian Non-Aggression Pact. This incident is treated in the summation.<sup>a.</sup> Notwithstanding his action of withholding delivery of the protest, OSHIMA wired his Government that he had followed its order.<sup>b.</sup> OSHIMA

(CC-51. c. Ex. 3814, T. 37916; d. Ex. 2198, T. 34143.  
 Q-52. a. Summation, F-123; b. Ex. 506, T. 6125.

1 was of the opinion that official delivery of the protest  
2 would have grave effects if made during the critical  
3 phase of the German-Polish negotiations.<sup>c.</sup> This demon-  
4 strates OSHIMA's kindred and sympathetic attitude to  
5 the pressure that Germany was then applying to Poland.  
6 Having by his actions arbitrarily deprived the order  
7 from the Foreign Ministry of its severity, he delivered  
8 it in a surreptitious and unofficial manner on  
9 September 18, 1939, at which time he congratulated  
10 Germany on the success of its Polish campaign.<sup>d.</sup> This  
11 action in withholding delivery served to lessen the  
12 friction between the two powers resulting from the con-  
13 clusion of the German-Russian Non-Aggression Pact and  
14 facilitated the close co-operation between Japan,  
15 Germany, and Italy which Ribbentrop and OSHIMA agreed  
16 was "not in the least dead."<sup>e.</sup>

17  
18  
19  
20  
21  
22  
23  
24 (QC-52. c. T. 6124-5.)  
25 d. Ex. 506, T. 6124.  
e. Ex. 507, T. 6128.



1 N. The Importance of the 1938 and 1939 Period  
2 of Negotiations for a Tri-Partite Pact.

3 QQ-53. The importance of the 1938-1939  
4 negotiations in its effect upon Japanese, German and  
5 Italian policy, and consequently upon the execution of  
6 the plan of conspiracy, cannot be overestimated. This  
7 is adequately set forth in the summation and will not be  
8 repeated. Several observations, however, will be made  
9 to OSHIMA's alleged defense as to this matter. With  
10 regard to OSHIMA's contention that he considered the  
11 proposed treaty was of a purely defensive character,<sup>a.</sup>  
12 it is only necessary to point out that his efforts to  
13 have the alliance aimed at all nations could not be  
14 purely defensive in the absence of a showing of an  
15 existing imminent and efficient threat of aggression by  
16 such nations. No such threat existed in fact. OSHIMA's  
17 further contention that he considered the pact as more  
18 to be used as the means in diplomatic negotiations<sup>b.</sup>  
19 when considered in the light of his subsequent publi-  
20 cation entitled "The Idea of German Diplomacy" (QQ-56)  
21 is an admission as to at least one use the prosecution  
22 claims the Axis alliance was intended, namely, to gain  
23 strength enough to enforce their will upon other  
24 sovereign nations and failing in their coercive attempts  
25

(QQ-53. a. Ex. 3508, T. 34012.

b. Ex. 3508, T. 34012.)

to accomplish it by the use of force.

VI. CONCLUSION OF THE TRI-PARTITE PACT

A. OSHIMA Played an Important Function in Maintaining Close Japanese-German Relations.

QQ-54. OSHIMA, who, according to the testimony of General KAWABE, held the same views as Ribbentrop regarding a military alliance and who saw eye to eye with both Hitler and Ribbentrop, returned to Japan in December, 1939.<sup>a.</sup> Ribbentrop, who considered it of great importance to the policy of collaboration that OSHIMA remain in Germany as Ambassador,<sup>b.</sup> advised Ott that OSHIMA on his return to Japan would work for German-Japanese friendship.<sup>c.</sup> Ribbentrop and OSHIMA agreed that Japan's position ultimately would be secured by German victories and that the idea of close co-operation between Germany, Italy and Japan was to the real interest of all parties concerned.<sup>d.</sup> The work of OSHIMA in behalf of the maintenance and improvement of German-Japanese relations began even before his departure for Japan according to a report made by Stahmer on 28 August 1939.<sup>e.</sup>

QQ-55. The cooling off in the relations between

- (QQ-54. a. T. 33775; Ex. 3508, T. 34016.  
b. Ex. 507, T. 6129-30; Ex. 498, T. 6130.  
c. Ex. 508, T. 6131.  
d. Ex. 507, T. 6127-8.  
e. Ex. 2746, T. 24505.)

1 Japan and Germany as the result of the conclusion of  
2 the German-Russian Non-Aggression Pact was a matter of  
3 vital concern to the conspirators, both within and  
4 without Japan, as it endangered their deeply laid plans  
5 for an Axis alliance. At this critical period in the  
6 progress of the conspiracy and in keeping with the  
7 foregoing assurances and requests by Ribbentrop, OSHIMA  
8 performed a necessary and vitally important part in  
9 cementing the relationship of Japan and Germany and in  
10 bridging over the immediate crisis until Japan was pre-  
11 pared for the step which the conspirators had urged  
12 should be taken. No leading figure in Japan was as  
13 well qualified for this role as OSHIMA.

14 QQ-56. OSHIMA published a most revealing  
15 article in the January, 1940, issue of Bungei Shunju,  
16 entitled "The Idea of German Diplomacy,"<sup>a.</sup> which, it is  
17 subritted, was propaganda designed to sell the Japanese  
18 people on the glory and efficacy of Axis power, to  
19 soften the feeling that had arisen from the conclusion  
20 of the German-Russian Non-Aggression Pact, and to pave  
21 the way for the alliance which was soon to be concluded.

22 QQ-57. OSHIMA knew of the work of the Gestapo;  
23 he was familiar with the basic German doctrine that  
24 force is necessary to solve international problems as  
25 (QQ-56. a. Ex. 3516-A, T. 34153.)



1 enunciated in Hitler's "Mein Kampf;" he knew of the  
 2 murder without warning of Hitler's own followers in what  
 3 was notoriously known as the "blood bath;" and he was  
 4 aware of the establishment of the notorious concen-  
 5 tration camps and the reign of terror which followed;  
 6 and yet in this article he extolled Hitler's so-called  
 7 Diplomacy of Honor, Equality and Freedom.<sup>a.</sup> He wrote  
 8 with admiration of the so-called "bloodless victories"  
 9 made possible because of the existence of a powerful  
 10 army, perfect command over the whole nation under it,  
 11 and the nation's trust in the command.<sup>b.</sup> By "bloodless  
 12 victories" OSHIMA admitted that he was referring to  
 13 such events as the Nazi Putsch in Vienna in July, 1934,  
 14 when Dulfuss was assassinated, the occupation of the  
 15 Rhineland in March, 1936, in violation of the Treaty of  
 16 Versailles, the Austrian Anschluss in March, 1938, when  
 17 von Schuschnigg was forced to resign upon threat of  
 18 German invasion, and the occupation of the Sudeten area  
 19 of Czechoslovakia in October, 1938.<sup>c.</sup> The accomplish-  
 20 ment of these so-called "bloodless victories," OSHIMA  
 21 said, was due to Germany's determination to resort to  
 22 arms at any moment if necessary to carry out her own  
 23 positive policies.<sup>d.</sup> For a Japanese this was very  
 24

25 (CC-57. a. T. 34161-3; Ex. 3516-A, T. 34153.  
 b. Ex. 3516-A, T. 34154.  
 c. T. 34164.  
 d. Ex. 3516-A, T. 34156.)

1 direct language imparting the idea that Japan must  
2 profit by this example and be determined to fight at any  
3 moment for the advancement of her positive policies,  
4 that is, the principles which the conspirators had en-  
5 grafted upon the national policies of Japan. To placate  
6 and soften the attitude of those who had become infur-  
7 rated with Germany's action in concluding a non-  
8 aggression pact with Russia, OSHIMA expressed the  
9 opinion that Germany could not be rightly denounced be-  
10 cause of the critical situation she faced regarding  
11 military operations on one or two fronts or the poss-  
12 ibility of avoiding war. <sup>e.</sup> OSHIMA eulogized Hitler and  
13 Ribbentrop and emphasized the dependence that Hitler  
14 placed upon Japan and the confidence and respect in  
15 which he held the Japanese. He appealed to the pride  
16 and patriotism of the Japanese people by stating that  
17 the Japanese, like Hitler, were very brave and were a  
18 people who did not fear death. Then as a rebuke to the  
19 Government which had failed to conclude an alliance with  
20 Germany, he stated, "Our Government, at this juncture,  
21 must establish national policies and exert itself to  
22 carry them out." <sup>f.</sup>

23  
24 QQ-58. On 31 December 1939, Ambassador Ott, in  
25 apprising his Government of the political situation

(QQ-57. e. Ex. 3516-A, T. 34157.  
f. Ex. 3516-A, 34157-61.)

existing at that time in Japan, reported that the coalition Cabinet was not capable of complete affiliation with any of the European power groups for the time being, that according to the views of Ambassadors OSHIMA and SHIRATORI two or three more transient cabinets would be needed in order to bring about a drastic change, and that the two Ambassadors were working hard for the overthrow of the present Cabinet.<sup>a.</sup> OSHIMA denied participating in any movement to bring about the downfall of the Government and denied discussing the subject with Ambassador Ott.<sup>b.</sup>

QQ-59. During the latter part of 1939 or early in January 1940, the German and Japanese Governments agreed on a visit by the Duke of Coburg to Japan on the occasion of the 2600th Anniversary of the national foundation when a pompous reception for the Duke as a guest of the State was planned by the Japanese Government, but after the Asama Maru Incident court circles friendly to the democratic powers were fearful that the anti-British feeling agitated by the Asama Maru Incident and the intensification of pro-German feeling of the people that would result from the visit of the Duke of Coburg made it inadvisable

QQ-58. a. Ex. 3503-A, T. 33,941  
" b. T. 34,062



that the visit be made as planned. OSHIMA advised  
 1 Ambassador Ott that he saw in the proposed postponement  
 2 of the visit a possible advantage for German policy  
 3 as the anti-British movement would be enabled to develop  
 4 to the full extent if not burdened with the suspicion  
 5 of being under German influence. Therefore, OSHIMA  
 6 recommended that the visit be postponed to April or  
 7 May. This visit it was contemplated should be the  
 8 occasion for Stahmer, the special envoy of Ribbentrop,  
 9 to accompany the party for alleged information purposes.<sup>a.</sup>  
 10 OSHIMA admitted this conference with Ott but denied  
 11 any knowledge of the existence of an anti-British  
 12 movement in Japan.<sup>b.</sup> When the visit of the Duke of  
 13 Coburg occurred, Stahmer interviewed OSHIMA, SHIRATORI  
 14 and others and reported on 23 February 1940 that they  
 15 remained in an unchanged friendly attitude and were  
 16 ready to give every support, and that means were being  
 17 taken to strengthen pro-German influence in the Foreign  
 18 Ministry and the Army.<sup>c.</sup> When Ott was asked whether  
 19 OSHIMA, after the visit of Stahmer to Japan, actively  
 20 worked for a closer relation between Japan and Germany  
 21 under the influence of Mr. Stahmer, Ott significantly  
 22 replied, "No active work by OSHIMA in this respect as a  
 23  
 24  
 25

QQ-59. a. Ex. 3503-A, T. 33,943-4  
 " b. T. 34,064  
 " c. Ex. 511, T. 6,140-2

d.  
result of Stahmer's influence." This rather

1 apparent effort to avoid directly stating that OSHIMA  
 2 worked for closer relations between the two powers is  
 3 confirmation of the fact that he did engage in such  
 4 work.

5 QQ-60. On 12 June 1940, Ambassador Ott  
 6 wired his Government that the Embassy was still  
 7 endeavoring to stir up Japanese ill feeling against  
 8 America by influencing the press and leading political  
 9 personalities in a way deemed proper, and gave as an  
 10 example the suggestion to political leaders that due  
 11 to the interests and activity of America in the Pacific  
 12 area a conflict between Japan and America was in the  
 13 long run unavoidable. In his report, Ambassador Ott  
 14 added, "In confidential cooperation with the Embassy,  
 15 Ambassadors OSHIMA and SHIRATORI and circles closely  
 16 connected with them are operating in the same direction." a.

18 QQ-61. An ex-parte statement in question  
 19 and answer form was obtained from Ott in an effort to  
 20 impeach Ott's telegram of 12 June 1940. a. An analysis  
 21 does not bear out the defense contention, rather it  
 22 confirms the truth of the report. In a long explanation  
 23 Ott gave his reason for reporting to Ribbentrop that  
 24

25 QQ-59. d. Ex. 3502, T. 33,929  
 QQ-61. a. Ex. 516, T. 6,152

b.

he was working in his own way. Ott does not infer  
 1 that his statement as to his work in cooperation  
 2 with OSHIMA and SHIRATORI was untrue. It is most  
 3 significant that the examiner who was present did  
 4 not dare ask that specific question. From the fact  
 5 that he did not do so, it is to be presumed that the  
 6 answer would have been adverse to his contention. In  
 7 fact, it is clear from the succeeding questions that  
 8 it was well understood that Ott was casting no doubt  
 9 upon the truthfulness of his report regarding the  
 10 cooperation of OSHIMA and SHIRATORI. Instead of asking  
 11 about the correctness of the report of cooperation,  
 12 this question was asked: "Did you mean in the fourth  
 13 paragraph of this document that the Embassy, OSHIMA  
 14 and SHIRATORI worked together in a common program,  
 15 based upon a mutual understanding and common agreement,  
 16 and if so what was the aim?" To this question, Ott  
 17 replied: "No, I did not mean that because there was  
 18 no such agreement."<sup>c.</sup> Ott, in denying that he meant  
 19 the cooperation of OSHIMA and SHIRATORI was based upon  
 20 "a mutual understanding and common agreement," was  
 21 not denying the truth of any statement contained in  
 22 his telegraphic report. He proceeded to state that  
 23  
 24  
 25 QQ-61. a. Ex. 3502, T. 33,929-34; Ex. 516, T. 6,152  
 " b. Ex. 3502, T. 33,932  
 " c. Ex. 3502, T. 33,932-3



SHIRATORI "warned by private talks, and sometimes by  
 1 the press, against the courting of the United States."<sup>d.</sup>  
 2 In further denying that the cooperation was a common  
 3 plan, Ott reiterated that he had privately talked  
 4 with OSHIMA and SHIRATORI separately.<sup>e.</sup> When asked  
 5 again why he stated there was close cooperation,  
 6 Ott referred to his previous statement and said that  
 7 he used the expression to give weight to his message  
 8 and to carry through his objections, an entirely  
 9 different thing from saying that his report was  
 10 factually untrue. That Ott did not intend to cast  
 11 doubt upon the accuracy of his report concerning  
 12 political cooperation by OSHIMA and SHIRATORI is clearly  
 13 demonstrated by cross interrogatories taken in behalf  
 14 of the prosecution through which three telegrams  
 15 bearing dates 31 December 1939, 23 January 1940 and  
 16 26 January 1940 were introduced in evidence.<sup>f.</sup> These  
 17 telegrams reflect political activity and cooperation  
 18 on the part of OSHIMA. In the redirect interrogatories  
 19 taken in behalf of the defense, which it will be  
 20 recalled, the defense refused to use in evidence and  
 21 which the prosecution tendered in evidence, Ott  
 22 confirmed what these telegrams imported.<sup>g.</sup>

23 QQ-61. d. Ex. 3502, T. 33,933  
 24 " e. Ex. 3502, T. 33,933  
 25 " f. Ex. 3503-A, T. 33,938-44  
 " g. Ex. 3503-B, T. 34,372-5.

QQ-62. On 8 July 1940, in a conference  
1 between Ribbentrop and Japanese Ambassadors SATO and  
2 KURUSU, Ribbentrop, in referring to German-Japanese  
3 cooperation, stated that he had for years furthered  
4 this cooperation with General OSHIMA and that it had  
5 already borne fruit for both parties. He referred  
6 to the fact that Japan had doubtless drawn considerable  
7 advantages throughout the whole period of her struggle  
8 for China down to the present day from the existence  
9 of a strong Germany. Without the existence of a  
10 restrengthened Germany, Japan, he said, could not have  
11 been able to penetrate as deeply into English and  
12 other spheres of interest in East Asia as actually  
13 happened.<sup>a.</sup> Not long prior to this, on 29 April 1940,  
14 OSHIMA was decorated with the Grand Cordon of the  
15 Rising Sun for meritorious service in the China  
16 Affair.<sup>b.</sup>

18 THE PRESIDENT: We will adjourn until half-  
19 past nine tomorrow morning.

20 (Whereupon, at 1600, an adjournment  
21 was taken until Friday, 27 February 1948,  
22 at 0930.)  
23

24 QQ-62. a. Ex. 524, T. 6,181  
25 " b. Ex. 121, T. 767